

# MINUTES

## Ordinary Council Meeting

24 May 2016

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 24 May 2016 in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

26 May 2016



# Our Guiding Values

## **Trust**

Honesty and integrity

## **Respect**

Acceptance and tolerance

## **Understanding**

Caring and empathy

## **Teamwork**

Leadership and commitment

## Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

## Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7.00pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to meetings of Council and its Committees available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

[www.southperth.wa.gov.au/Our-Council/](http://www.southperth.wa.gov.au/Our-Council/)

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# Minutes

Minutes of the Ordinary Council meeting held in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 24 May 2016.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.01pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3.1 STANDING ORDERS LOCAL LAW 2007

The Presiding Member advised that the meeting is held in accordance with the City's Standing Orders Local Law 2007 which provides rules and guidelines which apply to the conduct of meetings.

### 3.2 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007 'Recording of Proceedings'.

She then gave her permission for the Administration to record proceedings of the Council meeting and requested that all electronic devices be turned off or on to silent.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

Jessica Black	Como Ward
Colin Cala	Manning Ward
Sharron Hawkins-Zeeb	Manning Ward
Travis Burrows	Mill Point Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Moresby Ward
Ken Manolas	Mill Point Ward

### Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Michael Kent	Director Financial and Information Services
Mark Taylor	Director Infrastructure Services
Rajiv Kapur	Manager Development Services
Sharron Kent	Governance Officer

## Gallery

There were approximately 14 members of the public and no members of the media present.

### **4.1 APOLOGIES**

Phil McQue                      Manager Governance and Administration

### **4.2 APPROVED LEAVE OF ABSENCE**

Glenn Cridland                Como Ward

## **5. DECLARATIONS OF INTEREST**

*Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.*

The Presiding Member noted that no Declarations of Interest had been received.

## **6. PUBLIC QUESTION TIME**

### **6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

At the April 2016 Ordinary Council meeting no questions were taken on notice.

At the Special Council meeting of 20 April 2016 questions were taken on notice. The questions and responses provided can be found in the **Appendix**.

### **6.2 PUBLIC QUESTION TIME: 24 MAY 2016**

*Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law.*

The Presiding Member advised the meeting that questions are to be in writing and questions received prior to this meeting would be answered tonight, if possible, or alternatively may be taken on notice. Questions received in advance of the meeting would be dealt with first.

The Presiding Member then opened Public Question Time at 7.04pm.

Written Questions were received prior to the meeting from:

- Anna Ciffolilli of 364 Canning Highway, Como
- Bill Gleeson of Suite 2, 95 Canning Highway, South Perth
- Lindsay Jamieson of (address withheld on request)

The Presiding Member closed Public Question Time at 7.19pm.

A table of questions received and answers provided can be found in the **Appendix**.

## 7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

### 7.1 MINUTES

#### 7.1.1 Ordinary Council meeting Held: 26 April 2016

##### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Colin Cala

That the Minutes of the Ordinary Council meeting held 26 April 2016 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

### 7.2 BRIEFINGS AND OTHER MEETINGS

*The following Briefings are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.*

#### 7.2.1 Agenda Briefing Held: 17 May 2016

Officers of the City presented background information and answered questions on Items to be considered at the May 2016 Ordinary Council Meeting at an Agenda Briefing held on 17 May 2016.

##### **Attachments**

7.2.1 (a): Notes - Agenda Briefing - 17 May 2016.

#### 7.2.2 Long Term Financial Plan and Budget Overview Concept Briefing : 3 May 2016

Officers of the City provided Council with an overview of the Long Term Financial Plan and Budget Overview at a Concept Briefing held on 3 May 2016.

##### **Attachments**

7.2.2 (a): Notes - Long Term Financial Plan and Budget Overview Concept Briefing – 3 May 2016.



### 7.2.3 **Confidential** Concept Briefings - 5 April 2016

Officers of the City provided Council with an overview of a **confidential** matters regarding:

- the Royal Perth Golf Club; and the South Perth Bridge Club at a **confidential** Concept Briefing held on 5 April 2016.

#### **Attachments**

**7.2.3 (a):** Briefing Notes (*Confidential*)

**7.2.3 (b):** Briefing Notes (*Confidential*)

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Jessica Black

That the Notes of the *Agenda Briefing held 17 May 2016*, the *Long Term Financial Plan and Budget Overview Concept Briefing held 3 May 2016* and the **confidential** *Concept Briefings held 5 April 2016* be noted.

**CARRIED (8/0)**

## **8. PRESENTATIONS**

### **8.1 PETITIONS**

*A formal process where members of the community present a written request to Council.*

Nil.

### **8.2 PRESENTATIONS**

*Occasions where Awards/Gifts may be accepted by Council on behalf of Community.*

Nil.

### **8.3 DEPUTATIONS**

*A formal process where members of the community may, with prior permission, address Council on Agenda items where they have a direct interest*

Deputations were heard at the Agenda Briefing of 17 May 2016.

## 8.4 COUNCIL DELEGATES REPORTS

### 8.4.1 WALGA South East Metro Zone (SEMZ) Meeting Held: 27 April 2016

A report summarising the WALGA South East Metro Zone (SEMZ) Meeting held on 27 April 2016 is attached.

#### Attachments

8.4.1 (a): Delegates' Report - WALGA SEMZ Meeting - 27 April 2016 .

### 8.4.2 Rivers Regional Council (RRC) Meeting Held: 21 April 2016

A report summarising the Rivers Regional Council (RRC) Meeting held on 21 April 2016 is attached.

#### Attachments

8.4.2 (a): Delegates' Report - RRC Meeting - 21 April 2016 .

### 8.4.3 South East Centre for Urban Landcare (SERCUL) General Meeting Held: 12 May 2016

A report summarising the South East Centre for Urban Landcare (SERCUL) general meeting held on 12 May 2016 is attached.

#### Attachments

8.4.3 (a): Delegates' Report - SERCUL General Meeting - 12 May 2016 .

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Fiona Reid

That the Delegates Reports for the WALGA South East Metro Zone (SEMZ) meeting held 27 April 2016, the Rivers Regional Council (RRC) meeting held 21 April 2016 and the South East Centre for Urban Landcare (SERCUL) General meeting held 12 May 2016 be received.

**CARRIED (8/0)**

## 8.5 CONFERENCE DELEGATES REPORTS

Nil.

## 9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of reports identified to be withdrawn for discussion that the remaining reports will be adopted en bloc, i.e. all together without discussion or amendment of the Officer Recommendation. She then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 17 May 2016.

The Chief Executive Officer confirmed that this was correct with the exception of *Item 10.2.5 Tender 8/2014 – "Services Relating to the Reveal of Municipal Solid Waste"*, which was submitted as a late item. Mark Taylor, Director Infrastructure gave a summary of the report at Item 10.2.5.

### ITEMS WITHDRAWN FOR DISCUSSION

Item 10.5.2 Thelma Street - Request for Cul-de-sac at Canning Highway

### 9.1 EN BLOC MOTION

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the officer recommendations in relation to the following agenda items be carried en bloc:

- Item 10.0.1 Interim Response to 'Development Contribution Areas Schedule 10 City of South Perth Town Planning Scheme No. 6' (February 2016 Resolution refers)
- Item 10.2.1 Tender 5/2016 "Repairs to River Walls"
- Item 10.2.4 Tender 6/2016 "Construction of Tennis Courts Extension to the South Perth Tennis Club"
- Item 10.2.5 Tender 8/2014 – "Services Relating to the Reveal of Municipal Solid Waste"
- Item 10.2.3 Tender 10/2016 "Provision of Supplementary Survey Services within the City of South Perth"
- Item 10.2.2 Tender 11/2016 "Millers Pool"
- Item 10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth
- Item 10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning
- Item 10.3.3 Amendment 52 to Town Planning Scheme No. 6 - Building Height Limits of Lots 501 and 502 River Way, Salter Point
- Item 10.5.1 Parking Strategy
- Item 10.6.1 Monthly Financial Management Accounts - April 2016
- Item 10.6.2 Statement of Funds, Investments and Debtors at 30 April 2016
- Item 10.6.3 Listing of Payments

**CARRIED (8/0)**

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

#### 10.0.1 Interim Response to 'Development Contribution Areas Schedule 10 City of South Perth Town Planning Scheme No. 6' (February 2016 Resolution refers)

Location:	Station Street Precinct
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-35601
Lodgement Date:	19 May 2016
Date:	24 May 2016
Author:	Mark Taylor, Director Infrastructure Services
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery, cognisant of the local amenity.

#### Summary

At the February 2016 meeting Council resolved to investigate a Development Contribution Scheme for the South Perth Station Precinct and for the City to provide a progress report to the May 2016 Ordinary Council meeting.

The purpose of this report is to advise on progress and when Council is likely to receive a final report.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the report on progress of the investigation into a Development Contribution Scheme for the South Perth Station Precinct be noted.

**CARRIED EN BLOC (8/0)**

#### Background

At the February 2016 meeting Council resolved the following:

*That Council continues to investigate a Development Contribution scheme for high rise in the Station Street Precinct as listed in Schedule 10 in the Town Planning Scheme No. 6 and to report to Council at the May 2016 Ordinary Council meeting to indicate what progress has been made.*

#### Comment

At the time of the resolution, the City had already engaged NS Projects (NSP) to investigate the potential for creating Development Contribution Plans for the following precincts:

- South Perth Station Precinct
- Canning Bridge Precinct
- Waterford Triangle Urban Design Study Area

**10.0.1 Interim Response to 'Development Contribution Areas Schedule 10 City of South Perth Town Planning Scheme No. 6' (February 2016 Resolution refers)**

Considerable progress has been made with all three of these projects with a concept briefing for Councillors scheduled for 23 May 2016. It is expected that a report will be prepared for Council to consider the City's response to the February 2016 Council resolution at the July 2016 meeting.

**Consultation**

The investigation requires the City to liaise with relevant State Agencies, such as the WA Planning Commission, Western Power and Water Corporation.

**Policy and Legislative Implications**

Development Contribution Schemes can be applied as per Schedule 10 of the City of South Perth Town Planning Scheme No. 6.

**Financial Implications**

The City has engaged an external consultant to assist with the investigation process.

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

**Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

**Attachments**

Nil .

## 10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

### 10.2.1 Tender 5/2016 "Repairs to River Walls"

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-16-35613
Lodgement Date:	19 May 2016
Date:	24 May 2016
Author:	Bruce Moorman, Manager City Environment
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

#### Summary

This report considers submissions received from the advertising of Tender 5/2016 *Repairs to River Walls*.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the tender from MMM (WA) P/L for Tender 5/2016 *Repairs to River Walls* be at an approximate price of \$290,752 excl. GST be accepted for a period of three years, with the option of a further 12 months at the City's discretion.

**CARRIED EN BLOC (8/0)**

#### Background

A Request for Tender (RFT) 5/2016 *Repairs to River Walls* was advertised in the West Australian Newspaper on Saturday 27 February 2016 and closed at 2:00pm Thursday 17 March 2016 at the Civic Administration Centre, Sandgate Street, South Perth.

The works will cover repairs to river walls along the river foreshore in the City of South Perth. The works may include but are not limited to the following:

- Maintenance and repairs to precast concrete river walls;
- Construction of limestone block walls;
- Maintenance and repairs to existing limestone block walls;
- Construction of Geotextile Sand Container toe protection; and
- Construction and repairs to rock revetments.

The works may include other works of a minor nature as directed by the Principal's representative. The repairs described in the Tender are a summary of the works requested by the City and are indicative of the types of repairs required in each section along the foreshore.

## 10.2.1 Tender 5/2016 "Repairs to River Walls"

The Tender Specification shall be used as a standard for the various repair works required. It should be noted that proprietary products are suggested for some repair materials. Alternative methods, suitable equivalent products or mixes for repair provided by the Contractor are to be submitted to the Principal's Representative for approval.

All works will be undertaken in a manner that minimises inconvenience and disruption to the local community. Access to the foreshore is to be maintained unless there is a safety risk posed by the works.

Tenders were invited as a *Schedule of Rates Contract*.

The RFT is for the *Repairs to River Walls*.

The contract is for the period of three years with the option of a one year period at the City's discretion.

### Comment

At the close of the tender advertising period five compliant submissions had been received and these are tabled below:

TABLE A - Tender Submissions and Prices

Tender Submission
1. Build 21 Group P/L – T/A Civil Limestone
2. Alternative Tender – Build 21 Group – T/A Civil Limestone
3. MMM (WA) P/L
4. Advantearing (DB Cunningham)
5. Australian Civils P/L

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated ability to perform the tasks as set out in specification	40%
2. Work Methodology	40%
3. Referees	10%
4. Plant	10%
Total	100%

Based on the assessment of all submissions received for Tender 5/2016 *Repairs to River Walls* it is recommended that the tender submission from MMM (WA) P/L be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a)**.

### Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

## 10.2.1 Tender 5/2016 "Repairs to River Walls"

### **Policy and Legislative Implications**

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

### **Financial Implications**

Allocations for works are proposed to be provided in future budgets as set out in the City's Long Term Financial Plan..

### **Strategic Implications**

The report is consistent with the City's Strategic Community Plan 2015-2025.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

### **Attachments**

- 10.2.1 (a): Panel Report - Confidential - Tender 5/2016 Repairs to River Walls (*Confidential*) .



## 10.2.2 Tender 6/2016 “Construction of Tennis Courts Extension to the South Perth Tennis Club”

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-16-35770
Lodgement Date:	20 May 2016
Date:	24 May 2016
Author:	Mark Taylor, Director Infrastructure Services
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City’s built and natural environment
Council Strategy:	2.1 Identify and implement opportunities to improve biodiversity of the City’s key natural areas and activity centres.

### Summary

This report considers submissions received from the advertising of Tender 6/2016 Construction of Tennis Courts Extension to the South Perth Tennis Club. This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

A value management exercise has identified potential savings from the preferred tender, without compromising the project. The savings identified will need to be achieved by negotiation following approval of the tender by Council but prior to entering into a contract. It is therefore recommended that the Chief Executive Officer be delegated authority by Council to complete this task.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That:

- (a) the tender from “Sports Surfaces” for Option Two (2) for the Tender 6/2016 “Construction of Tennis Courts Extension to the South Perth Tennis Club” within the City of South Perth be accepted for the lump sum price of \$775,749; and
- (b) Council delegate the Chief Executive Officer authority to negotiate with “Sports Services” prior to entering into a contract, to clarify aspects of their pricing for this project. This is to achieve additional savings required to bring the project within the specified budget.

**CARRIED EN BLOC (8/0)**

### Background

A Request for Tender (RFT) 6/2016 *Construction of Tennis Courts Extension to the South Perth Tennis Club* was advertised in the West Australian Newspaper on Saturday 27 February 2016 and closed at 2:00pm Thursday 17 March 2016 at the Civic Administration Centre, Sandgate Street, South Perth.

The proposed South Perth Lawn Tennis Court refurbishment works primarily consist of the construction of new hard courts over the disused grass courts adjacent the existing hardcourts.

The South Perth Lawn Tennis Club is located on the corner of McNabb Loop and Murray Street Como.

There were three options associated with this Tender - options 1, 2 and 3 with each option required to be priced separately.

- Option 1 (Bay 2), consists of four tennis synthetic grass hard courts adjacent the existing acrylic hard courts.
- Option 2 (Bay 2 plus portion of Bay 3) consists of four synthetic hard courts and 2 acrylic hard courts.
- Option 3 (Bay 2 and Bay 3) consists of four synthetic grass courts and four acrylic courts.

The itemised works in combination for each Option are as follows:

- Site-works and earthworks to accommodate eight tennis courts;
- Reconstituted limestone two course high, 350 mm wide and 350 high blocks surrounding the courts as shown on the drawings;
- Stormwater drainage consisting of grated pits, pipework and soak wells for collection and disposal of stormwater surface runoff;
- Four Acrylic surfaces finished hard courts (Bay 3) on a concrete slab;
- Four Synthetic grass surface finished courts (Bay 2) on a concrete slab;
- Fencing surrounding and dividing the courts to match existing;
- Reconstituted limestone mass retaining wall and stepped terracing for seating;
- Lighting to all eight courts; and
- Ambulance access to the proposed courts.

Tenders were invited as three optioned *Lump Sum Contracts* with the City choosing the best value for money option.

The contract is for the period of construction.

**Comment**

At the close of the tender advertising period five compliant submissions had been received and are tabled below:

TABLE A - Tender Submissions and Prices

Tender Submission
1. West Coast Synthetic Surfaces
2. Dowsing
3. Sports Surfaces
4. Palace Homes & Construction
5. Horizon Infrastructure

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience of Company and Personnel	30%
2. Methodology & Ability to deliver within timeframe	30%
3. Company Profile	10%
4. Tenderer's Resources	20%
5. Occupational Safety and Health	5%
6. Sustainability Experience	5%
7. Total	100%

Based on the assessment of all submissions received for Tender 6/2016 "Construction of Tennis Courts Extension to the South Perth Tennis Club" it is recommended that the tender submission for Option Two (2) from "Sports Surfaces" be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a)**.

### Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

Regulation 20 of the *Local Government (Functions and General) Regulations - Variations of Requirement before entering into Contract* states:

(1) *If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services*

## 10.2.2 Tender 6/2016 "Construction of Tennis Courts Extension to the South Perth Tennis Club"

*required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.*

### **Financial Implications**

Funding of \$792,727.27 (ex GST) has been provided by the Department of Housing towards this project including \$20,000 (ex GST) for project management. The City's commitment is \$20,000 (ex GST) for project management costs.

Savings are required to be gained from the preferred tender submission for the City to deliver the overall project within the specified budget and retain an adequate contingency. These cannot be realised prior to awarding the tender, as this is not permitted by the Local Government (Functions and General) Regulations 1996. These savings are permitted to be negotiated with the preferred contractor prior to the contract being signed.

### **Strategic Implications**

The report is consistent with the City's Strategic Community Plan 2015-2025.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

### **Attachments**

- 10.2.2 (a):** Panel Report - Confidential - Tender 6/2016 Construction of Tennis Courts Extension to the South Perth Tennis Club  
(Confidential) .

### 10.2.3 Tender 8/2014 – "Services Relating to the Reveal of Municipal Solid Waste"

Location: City of South Perth  
Ward: All  
Applicant: Council  
File Ref: D-16-35623  
Lodgement Date: 19 May 2016  
Date: 24 May 2016  
Author: Les Croxford, Manager Engineering Infrastructure  
Reporting Officer: Mark Taylor, Director Infrastructure Services  
Strategic Direction: Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment  
Council Strategy: 2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

#### Summary

An extension to the contract period for *Services Relating to the Reveal of Municipal Solid Waste* (Tender 8/2014), beyond the initial two year period to June 2016, was omitted from the recommendation at the time of Council accepting the tender of Perth Waste and Green Recycling at the June 2014 meeting. A contract extension by mutual agreement was available under the contract documentation but was not included in the Council resolution.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the existing contract with Perth Waste Green Recycling with an estimated annual contract value of \$1,930,000 (ex GST) be extended for a further 24 months (until 30 June 2018) under the same terms and conditions as provided for in the contract documentation forming Tender 8/2014.

**CARRIED EN BLOC (8/0)**

#### Background

Council at its June 2014 meeting agreed to accept the schedule of rates tender, with an estimated annual contract value of \$1,575,000 (ex GST), submitted by Perth Waste Green Recycling for *Services Relating to the Reveal of Municipal Solid Waste* (Tender 8/2014) for the period from 1 July 2014 through to 30 June 2016.

The tender of Perth Waste Green Recycling was subjected to a rigorous assessment process and had been determined to be the tender that provided the best value to the City. The tender satisfied all of the requirements, had the lowest "gate price" of all the tenders and received the highest weighted score.

#### Comment

The Officer recommendation within the June 2014 report and the subsequent decision of Council did not include any reference to an extension of the contract beyond 2016 unlike other waste management contracts previously entered into by the City. Waste management contracts for the Collection of Municipal Solid Waste (MSW), Collection of Recyclables and the Processing of Recyclables all had extensions subject to satisfactory performance included in the resolution.

The Request for Tender (RFT) documentation (Part 31. Duration of Contract) for Tender 8/2014 stated:

### 10.2.3 Tender 8/2014 – "Services Relating to the Receiving of Municipal Solid Waste"

*"Services ... required under this Contract shall be for a period of twenty four (24) months commencing on 1 July 2014 and terminating on the 30 June 2016.  
A contract extension of 24 months may occur by mutual agreement."*

The management of Perth Waste Green Recycling have expressed their desire to see the contract extended under the same terms and conditions as provided for in the original contract documentation (i.e. an extension of 24 months by mutual agreement). City Officers support this request insofar as the service provided over the past two years has been exemplary, delays on the "tipping floor" negligible, interaction between facility staff and "customers" helpful, courteous and respectful and between respective managements the relationship has been professional with a high willingness to cooperate.

At some time post 2019 the City will be delivering all its waste to a Resource Recovery Facility under arrangements made through the Rivers Regional Council. Until that time, the City will require a contract to be in place for the receiving (and disposal) of MSW. The current contract provides the City with that opportunity.

It is recommended that the extension to the existing contract with Perth Waste Green Recycling with an estimated annual contract value of \$1,930,000 (ex GST) be extended for a further 24 months (until 30 June 2018) under the same terms and conditions as provided for in the contract documentation forming Tender 8/2014.

#### **Consultation**

There is no requirement for internal/external consultation. The report deals with an administrative matter that requires a decision of Council.

#### **Policy and Legislative Implications**

Section 3.57 of the Local Government Act 1995 (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000.

#### **Financial Implications**

The current contract operates on a single gate price inclusive of an annual CPI price escalation allowance. The tendered "gate price" at June 2014 included all of the charges applicable at that time including the State Landfill Levy. Since then the "gate price" has increased in line with CPI and increases in the State Landfill Levy. Had the two year extension been included in the resolution the revised "gate price" at 1 July would have increased by CPI plus \$5 per tonne (the increase in the Landfill levy).

The anticipated annual contract value for the service is in line with the budget allocation in the City's Long Term Financial Plan.

#### **Strategic Implications**

The report is consistent with the Cities [Strategic Community Plan 2013–2023](#) Direction 6 – Governance, Advocacy and Corporate Management "Ensure that the City has the organisational capacity, advocacy, and governance framework and systems to deliver the priorities identified in the Strategic Community Plan".

#### **Sustainability Implications**

Extending the term of the contract will ensure that the City continues to be provided with a proven best practice and sustainable waste service.

#### **Attachments**

**10.2.3 (a):** Confidential Panel Report 8/2014 – "Services Relating to the Receiving of Municipal Solid Waste" (*Confidential*) .

## 10.2.4 Tender 10/2016 "Provision of Supplementary Survey Services within the City of South Perth"

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-16-35619
Lodgement Date:	19 May 2016
Date:	24 May 2016
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

### Summary

This report considers submissions received from the advertising of Tender 6/2016 *Provision of Supplementary Survey Services within the City of South Perth* for the period of three years with the option of one year extension at the City's discretion.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the tender from JBA Surveys for the Tender 10/2016 *Provision of Supplementary Survey Services within the City of South Perth* at an estimate price of \$167,800 (excl. GST) annually for a total of \$518,653 (excl. GST) over a three year period with the option of a further 12 months at the City's discretion be accepted.

**CARRIED EN BLOC (8/0)**

### Background

A Request for Tender (RFT) 10/2016 *Provision of Supplementary Survey Services within the City of South Perth* was advertised in the West Australian Newspaper on Saturday 27 February 2016 and closed at 2:00pm Thursday 17 March 2016 at the Civic Administration Centre, Sandgate Street, South Perth.

Tenders were invited as a *Schedule of Rates Contract*. The contract is for a term of three years with the option of a one year period at the City's discretion.

### Comment

At the close of the tender advertising period eleven compliant submissions had been received and these are tabled below:

TABLE A - Tender Submissions

Tender Submission
1. Survey Group
2. WKC Spatial
3. Western Precision Surveys
4. McMullen Nolan Groups
5. McGregor Surveys P/L
6. JBA Surveys
7. Harley Dykstra
8. GHD P/L
9. BOS Surveying/Survey Results
10. BCE Surveying
11. AAM P/L

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Demonstrated experience in completing similar relevant projects with Perth region	40%
2. Respondents resources, skills and experience of key personnel	20%
3. Demonstrated understanding of the general requirements and technical specifications	40%

Based on the assessment of all submissions received for Tender I0/2016 *The Provision of Supplementary Survey Services within the City of South Perth* it is recommended that the tender submission from JBA Surveys be approved by Council for the period of three years with an option of one year at the City's discretion.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a)**.

### Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

### Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).



#### 10.2.4 Tender 10/2016 "Provision of Supplementary Survey Services within the City of South Perth"

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole Tenderer who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

#### **Financial Implications**

Allocations for works are proposed to be provided in future budgets as set out in the City's Long Term Financial Plan..

#### **Strategic Implications**

The report is consistent with the City's Strategic Community Plan 2015-2025.

#### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

#### **Attachments**

- 10.2.4 (a):** Confidential Panel Report 10/2016 - Provision of Supplementary Survey Services within the City of South Perth (*Confidential*) .

## 10.2.5 Tender 11/2016 "Millers Pool"

Location:	Mill Point - Node 5
Ward:	Mill Point
Applicant:	Council
File Ref:	D-16-35618
Lodgement Date:	19 May 2016
Date:	24 May 2016
Author:	Bruce Moorman, Manager City Environment
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.1 Identify and implement opportunities to improve biodiversity of the City's key natural areas and activity centres.

### Summary

This report considers submissions received from the advertising of Tender 11/2016 for the *Mill Point Project - Millers Pool Civil, Structural and Landscaping Works*.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the tender from Civcon Civil & Project Management P/L for Tender 11/2016 *Mill Point Project - Millers Pool Civil, Structural and Landscaping Works* be accepted for the lump sum price of \$2,023,497 (excl. GST).

**CARRIED EN BLOC (8/0)**

### Background

A Request for Tender (RFT) 11/2016 for the *Mill Point Project - Millers Pool Civil, Structural and Landscaping Works* was advertised in the West Australian Newspaper on Saturday 19 March 2016 and closed at 2:00pm Wednesday 20 April 2016 at the Civic Administration Centre, Sandgate Street, South Perth.

The works will include civil, structural and landscaping works at Mill Point Node on the South Perth Foreshore. Specifically, the works shall include the following:

- Preparation and implementation of appropriate management plans;
- Pedestrian, cyclist and traffic management;
- Mobilisation and site preparation as required;
- Demolition, clearing and excavation as required;
- Acid Sulphate Soils and dewatering testing, management and treatment;
- Confirmation of foundations and geotechnical conditions;
- Civil works, including drainage, road and car-park works (Refer Civil Technical Specification and Drawings);
- Construction of edge wall structures;
- Design and construction of boardwalk and jetty structures;
- Landscape works, including paving, furniture, lighting, irrigation and planting;
- As-constructed survey of completed works.
- Demobilisation and site clean-up, including any reinstatements as required.

Tenders were invited as a *Lump Sum Contract*.

The RFT is for the *Mill Point Project - Millers Pool Civil, Structural and Landscaping Works*.

The contract is for the period of 20 weeks.

**Comment**

At the close of the tender advertising period five compliant submissions had been received and these are tabled below:

TABLE A - Tender Submissions and Prices

Tender Submission
1. Advantearing
2. Aussi Earthworks
3. BCL
4. Civcon
5. EGLG

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relevant Experience of Company and Personnel	30%
2. Methodology & Ability to deliver within timeframe	30%
3. Company Profile	10%
4. Tenderer's Resources	20%
5. Occupational Safety and Health	5%
6. Sustainability Experience	5%
<b>7. Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender I1/2016 *Mill Point Project - Millers Pool Civil, Structural and Landscaping Works* it is recommended that the tender submission from Civcon Civil & Project Management P/L be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a)**.

**Consultation**

Public tenders were invited in accordance with the *Local Government Act 1995*.

**Policy and Legislative Implications**

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*

## 10.2.5 Tender I1/2016 "Millers Pool"

- Policy P607 - *Tenders and Expressions of Interest*

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept tenders to a maximum value of \$250,000 (exclusive of GST).

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

### **Financial Implications**

The full cost of the works is reflected in the 2015/2016 Capital Works budget and proposed in the 2016/2017 Capital Works budget as set out in the City's Long Term Financial Plan.

### **Strategic Implications**

The report is consistent with the City's Strategic Community Plan 2015-2025.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012–2015](#).

### **Attachments**

- 10.2.5 (a):** Panel Report - Confidential - Tender I1/2016 Millers Pool  
(Confidential) .

## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth

Location: 97 Canning Highway, South Perth  
Ward: Mill Point Ward  
Applicant: Josh Mills  
File Ref: D-16-35065  
Lodgement Date: 18/05/2016  
Date: 24 May 2016  
Author: Matthew Andrews, Statutory Planning Officer  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for planning approval for a proposed change of use from Office to Indoor Sporting Activity on Lot 2 No. 97 Canning Highway, South Perth. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Car parking provision	TPS6 clause 7.8(1)

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a proposed change of use from Office to Indoor Sporting Activity on Lot 2 No. 97 Canning Highway, South Perth **be approved** subject to:

**(a) Standard Conditions**

- 352 car bays- marked and visible
- 353 visitor bays- marked and visible
- 354 car bays- maintained
- 660 expiry of approval

**(b) Specific Conditions**

- (i) The operating times of the Indoor Sporting Activity shall be limited as follows:
  - (A) 6am to 8.30am & 5.30pm to 7.30pm, Monday to Friday
  - (B) 8.30am to 10am, Saturday
- (ii) Signage on the building is limited to 2 illuminated signs, one facing Canning Highway and one on the rear of the building, as depicted in the stamped approved plans.
- (iii) Bicycle parking and end-of-trip facilities as shown on the stamped approved plans are to be maintained for the life of the use.

**(c) Standard Advice Notes**

766 landscaping- general standards

795B appeal rights- council decision

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) In accordance with the Acoustic Report dated 24 March 2016, the applicant is required to:
- (A) Ensure that audio equipment be marked at the maximum allowable level of 82dB(A) and staff trained so as to not exceed this level;
  - (B) Eliminate the direct airpath from the premises to the shared toilets if present (ie vents);
  - (C) Install perimeter and drop seals on the doors to the toilet; and
  - (D) Increase mass of the doors via use of 50mm solid core doors.
- (ii) Conditions (i) - (iii) are based upon information provided as a part of the application. The applicant / lessee / owner are advised to adhere to these conditions in order to maintain the general amenity of the neighbouring developments.
- (iii) The applicant is advised of the need to comply with any relevant requirements of the Strata Titles Act 1985, which may involve gaining additional permission from the your strata, however this is independent of Local Government requirements.

**FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

**CARRIED EN BLOC (8/0)****I. Background**

The development site details are as follows:

<b>Zoning</b>	Highway Commercial
<b>Density coding</b>	R80
<b>Lot area</b>	630 sq. metres
<b>Building height limit</b>	10.5 metres
<b>Development potential</b>	N/A
<b>Plot ratio limit</b>	N/A

The location of the development site is shown below:



2.

In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**6. Amenity impact**

*In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.*

**7. Neighbour comments**

*In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.*

**Comment**

**(a) Background**

On 2 February 2016, the City received an application for a Change of Use from Office to Indoor Sporting Activities in a single storey commercial building on Lot 2 (No. 97) Canning Highway, South Perth (the **Site**).

The single storey commercial building located on the Site was constructed in August 2013. The building contains 2 separate areas of approximately 100sqm separated by an internal wall which allows for 2 separate tenancies within the building. The Site contains 9 parking bays located to the rear of the Site which are shared between the 2 separate tenancies.

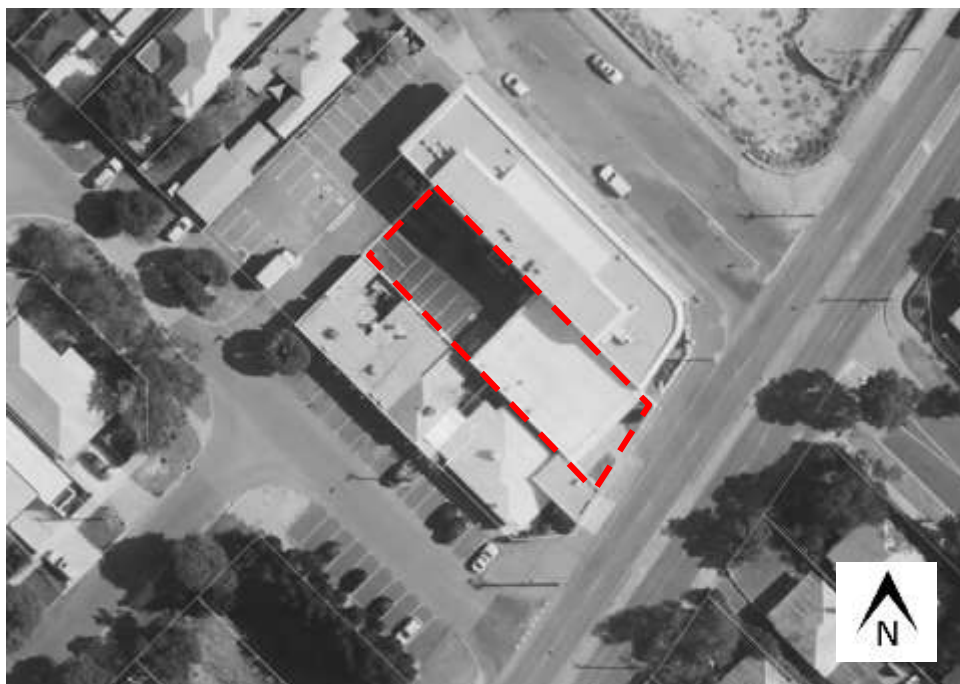
**(b) Existing Development on the Subject Site**

The Site contains a single storey commercial building divided in to 2 separate areas which are connected by a shared bathroom area. The original approval at the time of construction was for the uses of Office in one tenancy and Café/Restaurant in the other. The use of Office was recently approved in 2013 to be changed to Consulting Rooms (11.2013.594.1). The tenancy approved for the use of a Café/Restaurant has never been occupied.

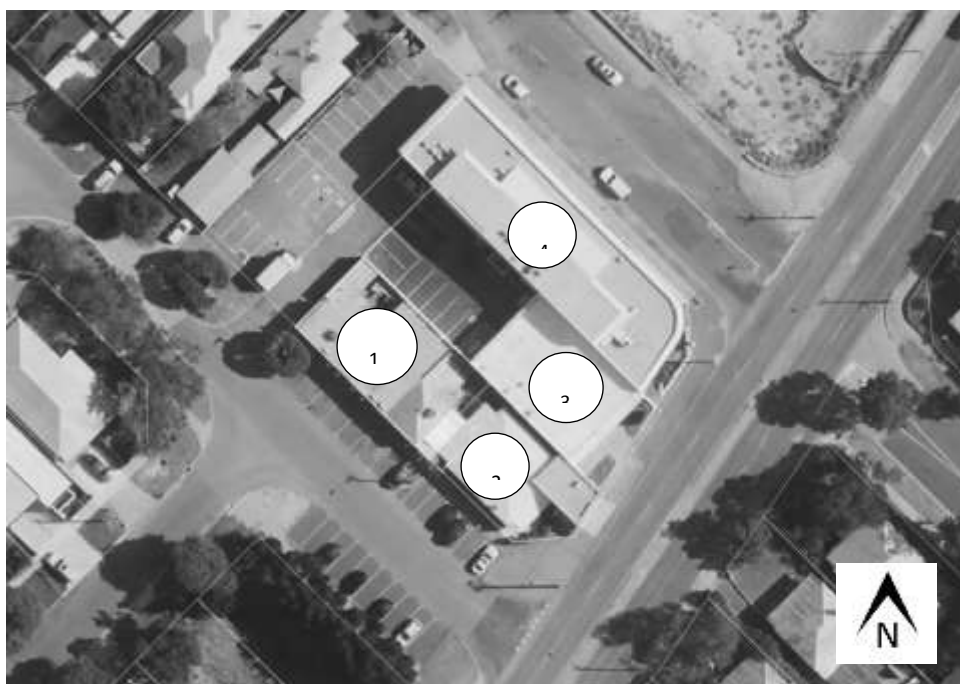
**(c) Description of the Surrounding Locality**

The Site has a frontage to Canning Highway to the south-east, located adjacent to commercial buildings to the north-east and south-west and a City of South Perth owned Right of Way to the north-west, as seen in **Figure 1** below:

10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth



The businesses operating from the non-residential land uses surrounding the proposed development are listed below.



1. Oppa BBQ (restaurant)
2. Como Physiotherapy / Alleviate Massage
3. Total Balance  
Vacant (Current application for this tenancy)
4. Just on Time Watchmaker  
Bill Gleeson Gents Hairdresser  
Kensington Chiropractic  
Gardiner Real Estate  
Dental Care South Perth  
Knight Management Services  
Garvin Financial Planning



10.3.1 **Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth**

First State Finance  
Forward Focus Chartered Accountants  
Allen & Co. Accountants  
Nex Metals Explorations

3.

**(d) Description of the Proposal**

The proposal involves the change of use from approved use of Café/Restaurant to Indoor Sporting Activities on Lot 2 (No. 97) Canning Highway, South Perth, as depicted in the submitted plans at **Attachment (a)**.

The following components of the proposed development do not satisfy the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* and Council Policy requirements:

(i) Parking requirements.

The Applicant's letter, **Attachment (b)**, describes the proposal in more detail.

The proposal complies with the Scheme and relevant Council policies, with the exception of the remaining non-complying aspects, with other significant matters, all as discussed below.

**(e) Land Use**

The proposed land use of Indoor Sporting Activity is classified as a 'DC' (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the Site adjoins non-residential land uses, in a location with a mixed-use streetscape. Accordingly, the use is regarded as complying with the Table 1 of the Scheme.

**(f) Car Parking**

The use of Indoor Sporting Activity is not listed in Table 6 of the Scheme and therefore the total number of car parking bays required must be determined by the council, having due regard to the likely demand, as per clause 6.3 of TPS6. Based on a maximum class size of 14 persons the maximum likely demand would be 15 bays; 14 clients, and 1 staff.

The building on No. 97 Canning Highway contains 2 uses and therefore the total parking bay requirement is the sum of the numbers calculated for each use. The alternate use of Consulting Room requires 1 bay per 19sqm of gross floor area with a minimum of 6, plus 1 per employee. Based on the application for the change of use from Office to Consulting Rooms approved in January 2014 (11.2013.594.1), the required car bays for the use of Consulting Room is 10. Together with the proposed use of Indoor Sporting Activity this results in a requirement for 25 bays for the site.

The use of Indoor Sporting Activities is a non-residential development the City's Policy P315 "Car Parking Reductions for Non-Residential Uses" can be applied. Based on the location of the development and the provision of adequate bicycle parking and end of trip facilities in excess of the requirements of clause 6.4(5), the adjustment factor applicable is 0.73. The total car bays required is calculated by applying the following table within Policy P315.

10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth

TPS6 car parking requirement	R
Apply the total adjustment factor	A
Minus the car parking proposed to be provided on site	P
Minus the most recently approved on site car parking shortfall (after taking into account relevant adjustment factors), unless the proposal is deemed to be a comprehensive new development	S
Resultant number of car parking bays subject to cash-in-lieu payment	= R x A - P - S

R= 25

A = 0.73

P = 9

S = 7 (refer to Application ID 11.2010.164.1)

Shortfall of parking bays =  $25 \times .73 - 9 - 7 = 2.25$  (3 Bays)

The shortfall of 3 bays is only applicable to the proposed Indoor Sporting Activity as the additional use of Consulting Room was previously assessed to be compliant car parking requirements within Table 6 of the Scheme (11.2013.594.1).

Due to the shortfall in the total number of bays required for the change of use, the proposed development does not comply with the car parking requirements of the TPS6.

Council discretion- cl. 6.3.4

Council has discretionary power under clause 6.3.4 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) The Council is satisfied that the proposed number of bays is sufficient, having regard to the **peak parking demand** for different uses on the development site.

Council discretion- cl. 7.8.1

Council has discretionary power under clause 7.8.1 of TPS6 to approve the proposed car parking, if Council is satisfied that all requirements of that clause have been met. In this instance, it is recommended that the proposed car parking be approved, as the applicant has satisfied the City in relation to the following requirements of that clause (emphasis added):

- (a) approval of the proposed development would be consistent with the **orderly and proper planning** of the precinct and the preservation of the **amenity of the locality**;
- (b) the non-compliance will not have any **adverse effect** upon the occupiers or users of the development or the inhabitants of the precinct or upon the likely future development of the precinct; and
- (c) the proposed development meets the **objectives for the City and for the precinct** in which the land is situated as specified in the precinct Plan for that precinct.

As a response to the above sub-clause, the Applicant has submitted justification found in **Attachment (c)**. The main themes of the justification relate to reciprocal parking during off peak times, proximity to street parking and clients using alternate transport methods. The City's response to these themes can be seen below.

**10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth**

A review of the parking stock in the immediate vicinity is shown in the below diagram. A total of 34 parking bays are located on the adjacent streets (24 marked and 10 unmarked), 23 bays are located within the lot boundaries of 95 Canning Highway and 9 bays are located within the lot boundaries of 97 Canning Highway. This equates to a total of 66 parking bays. The neighbouring uses include Offices, Consulting Rooms (Physiotherapy) and a Restaurant/Café. The proposed use will only operate within the mornings and evenings which will only conflict with the opening times of the restaurant during the 5.30pm – 7.30pm opening hours. Therefore it is anticipated that the street parking and bays within lot 95 Canning Highway will be available during the hours of operation of the proposed Indoor Sporting Activity.



The as the use of Indoor Sporting Activity is defined as physical exercise, recreation and sporting activities undertaken within a building, it is anticipated that a higher percentage of clientele than other uses will arrive either on foot or by bicycle. A letter, **Attachment (e)**, provided by the applicant from another F45 franchise provides evidence that other franchises do have increased foot/bicycle usage due to both the type of use and road facing location. The Applicant has demonstrated they will be catering for this by providing 10 bicycle bays, and end-of-trip facilities including 15 lockers. In addition one existing unisex shower is available on site.

Based on the proposed hours of operation, the type of use and the existing parking stock within the area the shortfall of parking bays is considered

10.3.1 **Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth**

acceptable by the City. It is considered that the proposal complies with the discretionary clause, and is therefore supported by the City.

**(g) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration (considered not to comply in bold):

- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**(h) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;**
- (n) the amenity of the locality including the following —**
  - (i) environmental impacts of the development;**
  - (ii) the character of the locality;**
  - (iii) social impacts of the development;**
- (y) any submissions received on the application;**

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

4.

**Consultation**

**(i) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the Area 1 consultation method, individual property owners, occupiers and/or strata bodies at Nos. 94, 95,96, 98, 101 and 102 Canning Highway were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth

During the advertising period, a total of 15 consultation notices were sent and 8 submission(s) were received, 0 in favour and 8 against the proposal. The comments from the submitter(s), together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>Excessive Noise (6)</p> <ul style="list-style-type: none"> <li>- Walls are made of blown concrete which is very poor at reducing noise</li> <li>- Sensitive uses which require concentration and therefore noise needs to be at a minimum</li> <li>- Based on their business model the operation will be loud in terms of participants, music and manoeuvring equipment.</li> </ul>	<p>Concerns relate to the excessive noise that is anticipated from the gym activities, especially during business hours. This noise has the potential to affect the surrounding non-residential uses. Due to these concerns the Environmental Health section requested that the applicant provide an acoustic report which was provided (<b>Attachment (d)</b>). Subject to compliance with the recommendations in the acoustic report the noise should not cause an impact on the surrounding non-residential properties. Additionally the business hours have been reduced to only morning and evenings and therefore should not impact on the surrounding businesses during business hours.</p> <p>The comment is <b>NOTED</b></p>
<p>Insufficient Parking (5)</p> <ul style="list-style-type: none"> <li>- Parking is shared with neighbouring tenancy would not be sufficient</li> <li>- Gym users would likely use the surrounding car parking that is within the lot boundaries of 95 Canning Highway</li> </ul>	<p>The proposed hours of operation are outside of the peak times of a majority of the surrounding uses. The proposed Indoor Sporting Activity will be closed during normal business hours (8.30AM – 5.30PM) and should not impact on the parking for 95 Canning Highway. The surrounding street parking will also be available for short term parking if required.</p> <p>The comment is <b>NOTED</b></p>
<p>Shared Internal Facilities (2)</p> <ul style="list-style-type: none"> <li>- Bathroom facilities are not sufficient for groups of up to 14 people</li> </ul>	<p>The proposed hours of operation are mostly outside that of the other use within the building. The 3 toilet facilities (1 male, 1 female and 1 accessible toilet) are anticipated to be sufficient for classes of 14 people.</p> <p>The comment is <b>NOT UPHOLD.</b></p>

(j) **Internal Administration**

Comments were invited from Environmental Health section of the City's administration.

The Environmental Health section provided comments with respect to noise.

With regards to the acoustic report undertaken by Herring Storer, it is confirmed that the report is accepted subject to compliance with all recommendations made within the report.

The applicant is required to;

1. Install perimeter and drop seals on the doors to the toilet;
2. No unsealed openings shall connect the proposed Indoor Sporting Activity to the shard toilet area such as vents or windows;

**10.3.1 Proposed Change of Use From Office to Indoor Sporting Activities. Lot 2 No. 97 Canning Highway, South Perth**

3. Increase mass of the doors via use of 50mm solid core doors; and
4. The audio equipment must be marked at the maximum allowable level of 82dB(A) and not contain significant low frequency (bass) components. All staff must be trained so as to not exceed this level.

This section raises no objections and has provided recommended important notes.

**Policy and Legislative Implications**

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

**Financial Implications**

This determination has no financial implications.

**Strategic Implications**

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025 which is expressed in the following terms:

***Accommodate the needs of a diverse and growing population.***

**Sustainability Implications**

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

5.

**Conclusion**

It is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential or non-residential neighbours and streetscape. Accordingly, it is considered that the application should be conditionally approved.

**Attachments**

- 10.3.1 (a):** Plans for No. 97 Canning Highway
- 10.3.1 (b):** Applicant Letter for 97 Canning Highway
- 10.3.1 (c):** Applicant Parking Justification
- 10.3.1 (d):** Accoustic Report for 97 Canning Highway
- 10.3.1 (e):** Letter from F45 Applecross .

### 10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning

Location: Manning  
 Ward: Manning Ward  
 Applicant: Rohan White  
 File Ref: D-16-35128  
 Lodgement Date: 9 March 2016  
 Date: 24 May 2016  
 Author: Kevin Tang, Statutory Planning Officer  
 Reporting Officer: Vicki Lummer, Director Development and Community Services  
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population  
 Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

To consider an application for planning approval for a Change of Use from Consulting Rooms to Veterinary Clinic and associated signage on Lot 453 (No.133) Manning Road, Manning. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use (DC)	TPS6 clause 3.3(3)

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Metropolitan Region Scheme*, this application for planning approval for a Change of Use to Veterinary Clinic on Lot 453 (No.133) Manning Road, Manning, **be approved** subject to the following conditions:

#### (a) Standard Conditions

- 352 Car bays – marked and visible
- 354 Car bays - maintained
- 625 Sightlines for drivers
- 445 Stormwater infrastructure
- 660 Expiry of approval
- 508 Landscaping approved and completed

#### (b) Specific Conditions

- (i) Unless otherwise approved by the City, a maximum of one (1) veterinary practitioner and one (1) other non-practising staff members are permitted to operate on site at any one time.
- (ii) This approval only pertains to the signs as shown on the approved plans. Any additional signage or modification of the proposed signage will require further planning approval, prior to erection.
- (iii) The signage shall not contain fluorescent, reflective or retro reflective colours or materials.

**10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning**

- (iv) A minimum of nine (9) on site car parking bays shall be provided for this development and the design and manoeuvring space shall be in accordance with AS2890.1.
- (v) No direct vehicular access shall be permitted from Manning Road.
- (vi) The hours of operation shall be restricted to between 8am and 7pm from Mondays to Fridays and between 9am and 4pm on Saturdays.
- (vii) All parking associated with this development shall be contained within the site and no vehicles shall be parked on the street at any time.

**(c) Standard Advice Notes**

- 706 applicant to resolve issues
- 790 Minor variations – seek approval
- 795B appeal rights- council decision

**(d) Specific Advice Notes**

- (i) The applicant is advised that all mechanical ventilation services, motors and pumps, e.g. air-conditioners, to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
- (ii) The applicant is also advised that the number of animals and noise level generated from animals are regulated under the requirements of the City of South Perth Environmental Health and Ranger Services Departments, which can be contacted on 08 9474 0777.
- (iii) The applicant is advised to consult with a private Building Surveying Contractor to ascertain that all requirements under the *Building Act 2011* are met for the change of use.
- (iv) The applicant is advised that veterinary waste is not permitted in a general waste bin in accordance with the *City of South Perth Health Local Laws 2002*. It is therefore necessary to provide a suitable waste collection service (medical/clinical) for this development.

**FOOTNOTE:** A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

**CARRIED EN BLOC (8/0)**

**I. Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	1113 sq. metres
<b>Building height limit</b>	7 metres

The location of the development site is shown below:

2.





In accordance with Council Delegation DC690, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**I. Specified uses**

- (g) *Non-residential “DC” uses within the Residential zone, except Family Day Care where the City does receive objections during consultation;*

**Comment**

**(a) Background**

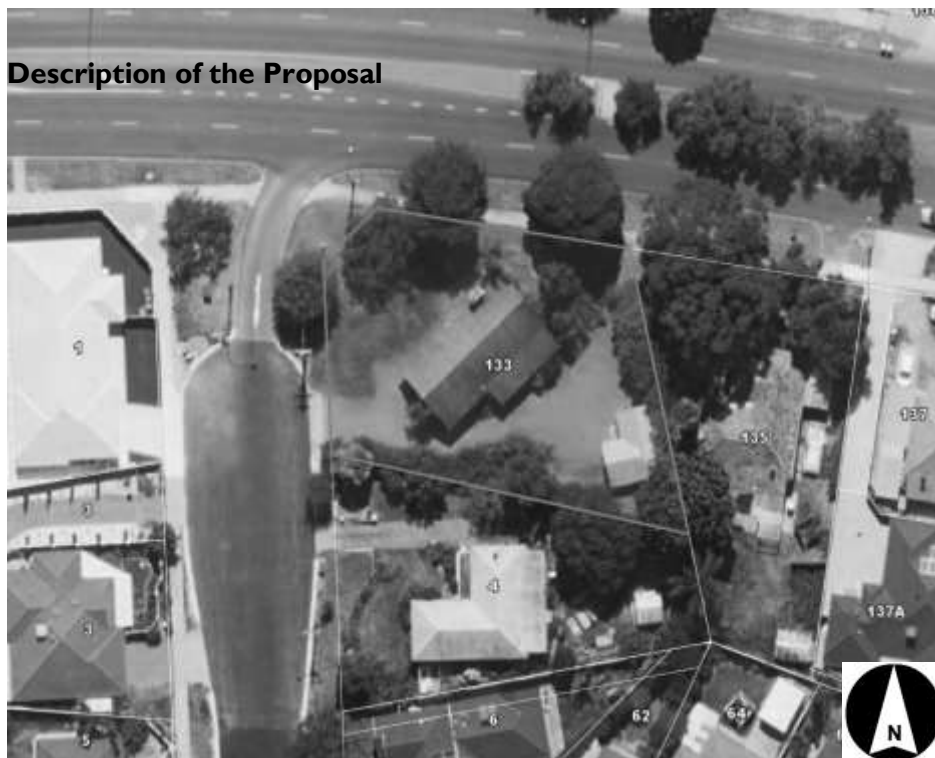
In March 2016, the City received an application for Change of Use from Consulting Rooms to a Veterinary Clinic on Lot 453 (No. 133) Manning Road, Manning (the **Site**).

A Planning Approval for an Orthodontist Consulting Room was issued on 8 July 1991. The Site currently contains the Consulting Rooms, and an ancillary outbuilding.

**(b) Description of the Surrounding Locality**

The Site has a frontage to Manning Road to the north, located adjacent to Marsh Avenue to the west and two residential properties to the south and east, as seen in **Figure I** below:

3.

**Description of the Proposal****(c) Description of the Proposal**

The proposal involves converting the existing building into a Veterinary Clinic for one veterinary surgeon and one staff member, associated signage and minor internal building works, as depicted in the submitted plans at **Attachment (a)**. Nine car parking bays with suggested dimensions are proposed to be provided following the advice from the City's Manager Engineering Infrastructure. The Site is only accessible from Manning Road from the westbound direction as depicted in the above figure.

The following planning aspects of the proposed development have been assessed and found to be compliant with the provisions of Town Planning Scheme No. 6 (TPS6) and Schedule 2 Deemed Provisions of the *Planning and Development Regulations (Local Planning Schemes) 2015 (the Regulations)*, and therefore have not been discussed further in the body of this report:

- Plot ratio (Table 4 of TPS6) – Not applicable;
- Setbacks – no changes to building footprint being proposed;
- Building height (Clause 6.1A of TPS6) – maximum 7.0 metres (no changes being proposed);
- Minimum ground and floor level (Clauses 6.9 and 6.10 of TPS6) – no changes to ground or floor levels being proposed;
- Car parking – (Clause 6.3 and Table 6 of TPS6) - Parking is required at the ratio of one bay per 19 sq. metres gross floor area (minimum of 6 spaces) plus one (1) space per employee as per TPS6 requirements. The 140.5 sq. metres of actual floor area requires seven (7) spaces. A Veterinary Practitioner and one employee would generate a requirement for two (2) bays, making a total requirement of 9 bays. This application proposes 9 car parking bays which generally comply with access, egress and manoeuvring requirements of the Australian Standards. The proposal is therefore in accordance with Table 6 of Town Planning Scheme No. 6.

**10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning**

- Signage (Clause 6.12(3) of TPS 6 and Council Policy P308) – both the façade sign and letter box sign comply with Council Policy requirements in which the signage area is less than 0.6 sq. metres and letters and numbers on the façade are less than 300 millimetres in height and width.

The following matters, some of which require the exercise of discretion, are considered acceptable and discussed further below:

- Landscaping (Table 4 of TPS6)
- Amenity (Clause 67 (n) of the Regulations and Clause 1.6(2)(f) of TPS6)

**(d) Land Use**

The proposed land use of Veterinary Clinic is classified as a ‘DC’ (Discretionary with Consultation) land use in Table 1 (Zoning - Land Use) of TPS6. In considering this discretionary with consultation use, it is observed that the Site adjoins residential land uses, in a location with a residential streetscape. Accordingly, the use is only regarded as complying with the Table 1 of the Scheme if it is kept to a small scale and compliant with other requirements of TPS6.

**(e) Landscaping**

The required minimum landscaping area is 278.25m<sup>2</sup> (25 percent), and the proposed landscaping area is 490m<sup>2</sup> (44 percent), therefore the proposed development complies with the landscaping requirements of Table 4 of TPS6.

The Officer conducted a site visit on 19 April 2016 and found that the existing scrubs along the southern boundary will need to be trimmed back to improve vehicular access and driver’s sightlines (Please refer to **Attachment (b)**). The Officer has therefore recommended imposing Standard Condition 508 to ensure all further landscaping works are completed prior to the occupation of the building.

The car parking area is screened with dense vegetation from Manning Road and both neighbouring properties to the south and east. Shading trees have also been provided adjacent to the proposed car parking bays. Please refer to **Attachment (b)** for more information.

**(f) Amenity**

Due to amenity concerns, Table 4 of TPS6 only permits one practitioner for the land use of Veterinary Clinic if it is proposed in a residential area. This proposal complies with this requirement by having only one veterinary practitioner and one practitioner’s employee.

In addition, as the applicant would like to have the flexibility of keeping inpatient animals overnight at the clinic, animal noise emanated from the proposed land use may be an annoyance to the surrounding residences, e.g. dog barking. To this end, the applicant offers the following information to address this problem:

*The veterinary practice proposed for this address is intended to carry hospital status as per the Veterinary Surgeon's Board of WA guidelines. This means it will be allowed to keep animals overnight. Being a single practitioner hospital it is not anticipated that the number of animals staying overnight will ever be more than 4-5 individuals with approximately 75% of these being canine. On a typical evening I anticipate 0-2 animals being hospitalised.*

**10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning**

*I own a property and live at ... Godwin Avenue - just 700m away from the practice location. I intend to monitor the condition of all inpatients very closely via a sound and video link provided by installation of the latest security camera technologies. I have a special interest in behaviour medicine and ensuring my inpatients are "happy" is not just important to me professionally it is also to be one of my key market differentiators. I intend to respond promptly to any patient that begins making a lot of noise by returning to the practice, assessing the reason for the noise and treating that reason. Anxiety is the most common cause of barking in inpatient dogs and I have a selection of safe anxiety lowering medications available to treat this.*

The Officer has recommended imposing an advice note to inform the applicant that animal noise and the number of animals to be kept onsite are regulated by the City's Environmental Health and Ranger Services Departments under relevant legislations.

**(g) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**(h) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;
- (g) any local planning policy for the Scheme area;
- (n) the amenity of the locality including the following —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;

**10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning**

- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (s) the adequacy of —
  - (i) the proposed means of access to and egress from the site; and
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (y) any submissions received on the application;
- (za) the comments or submissions received from any authority consulted under clause 66;
- (zb) any other planning consideration the local government considers appropriate.

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

**4.**

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies at No's. 130, 132, 135, 136, Unit 1-2/134, 1-2/137, 1-2/138 and 1-2/140 Manning Road and No's. 1, 4, 5, 6 and Unit 1-2/3 Marsh Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of 17 consultation notices were sent and no submission(s) were received.

**(b) Internal Administration**

Comments were invited from Engineering Infrastructure, Environmental Health, and Ranger Services of the City's administration.

The Manager, Engineering Infrastructure section was invited to comment on a range of issues relating to car parking and traffic generated from the proposal. This section raises no objections and a copy of the advice is provided as **Attachment (c)**. A planning condition relating to stormwater management has been recommended to be provided. It is important to note that this advice has been provided to the applicant at his request and amended plans have been submitted to the City to comply with this advice.

The Environmental Health section provided comments with respect to waste collection service in accordance with the *City of South Perth Health Local Laws 2002*. This section raises no objections and has provided recommended important notes.

The City Ranger Services raises no objections and has provided the following comments:

### 10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning

- Consideration should be given to the possible impact to nearby residences from nuisance barking i.e. dogs that are being treated/housed in the short and long term.
- The business will supply adequate off street parking as per planning requirements.
- Welfare of animals fall under the RSPCA in particular the Animal Welfare Act and the Veterinary Surgeon's Board of WA would no doubt be involved in relation to the running of the practice and the enforcement of the Veterinary Surgeons Act.

#### (c) External Agencies

Comments were also invited from the Department of Planning.

The Department of Planning provided comments with respect to the Site being on or abutting a regional road reservation. This agency raises no objections and has the following comments:

*All vehicular access is proposed from Marsh Avenue, a lower order road. No access is proposed from Manning Road. This is in accordance with the Commission's Regional Roads (Vehicular Access) Policy D. C. 5.1 which seeks to minimise the number of new crossovers onto regional roads and states: 'Where alternative access is or could be made available from side streets, no access shall be permitted to the regional road' (refer to s 3.3.2).*

Accordingly, a planning condition relating to access is recommended to respond to the comments from the above agency.

#### Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

#### Financial Implications

This determination may have financial implications, if the application is subject to an appeal to the State Administrative Tribunal.

#### Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 2015-2025 which is expressed in the following terms:

***Accommodate the needs of a diverse and growing population.***

#### Sustainability Implications

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

5.

#### Conclusion

It is considered that the proposal meets all of the relevant Scheme and / or Council policy objectives and provisions, as it will not have a significant detrimental impact on adjoining residential neighbours. Accordingly, it is considered that the application should be conditionally approved in accordance with the recommended conditions of approval above.

**10.3.2 Proposed Change of Use from Consulting Rooms to Veterinary Clinic and Associated Signage on Lot 453 (No. 133) Manning Road, Manning**

**Attachments**

- 10.3.2 (a):** Plans for the Proposal
- 10.3.2 (b):** Site Photos
- 10.3.2 (c):** Engineering Comments .

### 10.3.3 Amendment 52 to Town Planning Scheme No. 6 - Building Height Limits of Lots 501 and 502 River Way, Salter Point

Location:	Lots 501(72) and 502(74) River Way, Salter Point
Ward:	Manning Ward
Applicant:	Venger Pty Ltd
File Ref:	D-16-35449
Date:	24 May 2016
Author:	Mark Carolane, Senior Strategic Projects Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.1 Develop a new Local Planning Strategy and a new Town Planning Scheme to meet current and future community needs, cognisant of the local amenity.

#### Summary

The purpose of Amendment 52 to Town Planning Scheme No. 6 (TPS6) is to align the Building Height Limits map (Precinct 13) with the cadastral lot boundaries at lots 501 and 502 River Way, Salter Point. This is a Standard Amendment, as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The subject site comprises 5 lots that have been created as part of a previously approved subdivision and includes Lots 501 (72) and 502 (74) River Way and Lots 503 (IA), 504 (IB) and 505 (IC) Salter Point Parade, Salter Point. The properties are currently vacant.

The building height limits on the subject site were designated based on cadastral lot boundaries at the time. The creation of Lots 501-505 means that the building height limit maps no longer reflect cadastral boundaries. This makes it difficult to design dwellings on Lots 501 and 502 River Way that address the current height limits imposed by the Scheme while maximising the use and enjoyment of the lots.

The amendment will realign the building heights limits within Precinct 13 with the current lot boundaries.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That:

- (a) the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 via a Standard Amendment, for the purpose of aligning the Building Height Limits map with the cadastral lot boundaries at lots 501 and 502 River Way, Salter Point.
- (b) the Report on Amendment No. 52 to the City of South Perth Town Planning Scheme No. 6, containing the draft amending clauses, comprising **Attachment (a)**, be adopted;
- (c) in accordance with section 81 of the *Planning and Development Act 2005*, Amendment No. 52 be forwarded to the Environmental Protection Authority for assessment under the *Environmental Protection Act 1986*;



- (d) Amendment No. 52 be forwarded to the Western Australian Planning Commission for information;
- (e) upon receiving clearance from the Environmental Protection Authority, advertising of Amendment No. 52 be implemented in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council Policy P301 'Consultation for Planning Proposals'; and
- (f) the following footnote shall be included by way of explanation on any notice circulated concerning this Amendment No. 52:

*"FOOTNOTE: This draft Scheme Amendment is currently only a proposal. The Council welcomes your written comments and will consider these before recommending to the Minister for Planning whether to proceed with, modify or abandon the proposal. The Minister will also consider your views before making a final decision. It should not be construed that final approval will be granted."*

- (g) the applicants be invoiced for payment of the City's estimated Planning Fee of \$11,550 including GST.

**CARRIED EN BLOC (8/0)**

### **Background**

This report includes **Attachment (a)**, being Draft Amendment No. 52 Report and amending text.

The purpose of Amendment 52 to Town Planning Scheme No. 6 (TPS6) is to align the Building Height Limits map (Precinct 13) with the cadastral lot boundaries at lots 501 and 502 River Way, Salter Point. This is a Standard Amendment, as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### **Comment**

The subject site comprises 5 lots that have been created as part of a previously approved subdivision and includes Lots 501 (72) and 502 (74) River Way and Lots 503 (1A), 504 (1B) and 505 (1C) Salter Point Parade, Salter Point. The properties are currently vacant.

As detailed in the Amendment No. 52 Report (**Attachment (a)**), the building height limits on the subject site were designated based on cadastral lot boundaries at the time. Since the TPS6 building height limit maps were gazetted the subdivision of the original lots has occurred, resulting in the creation of Lots 501 to 505.

The creation of these lots means that the Building Height Limit maps no longer reflect cadastral boundaries. This makes it difficult to design dwellings on Lots 501 and 502 River Way that address the current height limits imposed by the Scheme while maximising the use and enjoyment of the lots.

The height limits as currently apply across the newly created lots are as follows:

- Lot 501: Mainly 7m, with southern portion limited to 3.5m
- Lot 502: Mainly 7m, with south-western portion limited to 3.5m
- Lot 503: 3.5m
- Lot 504: 3.5m
- Lot 505: 3.5m.

As detailed in the Amendment No. 52 Report (**Attachment (a)**), the amendment will realign the building heights limits within Precinct 13 with the current lot

**10.3.3 Amendment 52 to Town Planning Scheme No. 6 - Building Height Limits of Lots 501 and 502 River Way, Salter Point**

boundaries. Specifically, it is proposed that the height limit map for Precinct 13 be modified as follows:

- Lot 501: Extend the 7m height limit to cover the entire lot and remove reference to 3.5m
- Lot 502: Extend the 7m height limit to cover the entire lot and remove reference to 3.5m
- Lot 503: no change
- Lot 504: no change
- Lot 505: no change.

In total an area of approximately 618m<sup>2</sup> will be incorporated into the 7.0m height limit area across Lots 501 and 502. The lots facing Salter Point Parade (Lots 503-505) will maintain the existing 3.5 metre height limit.

**Consultation**

Neighbour and community consultation requirements for Standard Amendments are contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* and in Council Policy P301 Consultation for Planning Proposals.

Following Council’s endorsement of the draft Scheme Amendment, community consultation will be undertaken as prescribed in Policy P301. The consultation process will also involve referral to the Environmental Protection Authority for assessment and the Western Australian Planning Commission for their information.

Community consultation will involve a 42-day advertising period, during which notices will be placed in the Southern Gazette newspaper, in the Civic Centre, in the City’s Libraries and on the City’s web site. Any submissions received during this period will be referred to a later Council meeting for consideration, before the Council decides whether or not to recommend to the Minister that the Amendment be finally approved.

**Policy and Legislative Implications**

The statutory Scheme Amendment process for Standard Amendments is set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*. The process as it relates to the proposed Amendment No. 52 is set out below, together with an estimate of the likely time frame associated with each stage of the process.

<b>Stage of Standard Amendment Process</b>	<b>Estimated Time</b>
Council resolution to initiate Amendment	24 May 2016
Council adoption of draft Amendment proposals for advertising purposes	24 May 2016
Referral of draft Amendment proposals to EPA for environmental assessment during a 28 day period, and copy to WAPC for information	Early June 2016
Public advertising period of not less than 42 days	July 2016
Council consideration of Report on Submissions	September 2016
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council’s recommendation on the proposed Amendment;</li> <li>• Three signed and sealed copies of Amendment documents for final approval</li> </ul>	September 2016
Minister’s final determination of Amendment and publication in Government Gazette	Not yet known

**10.3.3 Amendment 52 to Town Planning Scheme No. 6 - Building Height Limits of Lots 501 and 502 River Way, Salter Point**

**Financial Implications**

This Amendment has been requested by the owner of Lots 501 and 502 River Way. A fee will be charged in accordance with the City's Schedule of Fees and Charges.

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

**Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

**Attachments**

**10.3.3 (a):** Amendment 52 Report for COUNCIL MEETING .

## 10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

### 10.5.1 Parking Strategy

Location:	City South Perth
Ward:	All
Applicant:	Council
File Ref:	D-16-35612
Lodgement Date:	19/05/2016
Date:	24 May 2016
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Infrastructure and Transport -- Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community
Council Strategy:	5.2 Advocate for, provide and maintain a safe, efficient and reliable transport network based on safe system principles.

#### Summary

This report presents the Final Draft of the Parking Strategy developed for the City by Luxmore Parking and Safety. The Strategy has been the subject of several community workshops and presentations to Councillors.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That:

- a) The Parking Strategy as presented as **Attachment (a)** be adopted; and
- b) A Community Advisory Group be established to provide advice to Council and City staff on implementation of the Parking Strategy and parking issues that cross over the traditional public and private boundaries.

**CARRIED EN BLOC (8/0)**

#### Background

Luxmore Parking and Safety (a Division of the ARRB Group) has been commissioned by the City to develop a Parking Strategy (Strategy). The commission has as its key objectives:

1. To provide a strategic city-wide parking framework for the short (0-3 years), medium (4-7 years) and longer terms (+8 years);
2. To assist in achieving the City's goals in relation to travel demand management and sustainable modes of transport;
3. To support the aims and objectives of other City strategies and policies and aid in achieving the outcomes identified in various town planning documents;
4. To identify a comprehensive action plan (including priorities and order of costs) to assist in the future preparation of Parking Control Area (PCA) management plans.

#### Comment

The resultant document at **Attachment (a)** is a comprehensive review of current practices and a detailed expose of best practice parking practices both locally and nationally.

### 10.5.1 Parking Strategy

The Strategy is very clear that the City needs to prioritise access for pedestrians, cyclists, public transport users and people with disabilities, and make the most of public transport infrastructure, balanced with the needs of the City road network, including the need to minimise congestion. The existing public areas in the City for pedestrians, cyclists and public transport users need to be significantly improved given the current dominance of vehicular traffic.

Luxmore state that the Strategy should be only one part of an Integrated Transport Strategy which should also incorporate a road safety strategy, a green travel plan, a pedestrian strategy, a bicycle strategy, local area traffic management plans and specific parking management plans. The City already has in place a Bicycle Plan, a Travelsmart / Roadwise Local Action Plan, Local Area Traffic Management Plans (LATM's) and is currently developing Parking Management Plans.

Based on stakeholder feedback, site visits and discussions with staff, Luxmore state the key findings of the Strategy are as follows:

- Plentiful parking is available within a reasonable walking distance (250 m) of several key destinations;
- Surveys of parking demand patterns in the Mends Street, Angelo Street and Preston Street PCA's indicate an average demand at less than 81% of bays;
- There is an under-utilisation of pay parking in several locations, e.g. in Richardson Reserve;
- More effective use can be made of all public parking facilities such as George Burnett Leisure Centre and the Jetski car park;
- Simplification of time restrictions and fees will result in greater compliance and increased churn of bays;
- Parking restrictions and fees are confusing for a driver to understand and difficult for rangers to enforce;
- More effective enforcement technology and resources will assist in the management of parking;
- There are inadequate ranger resources and technology to adequately monitor compliance for public and private parking facilities especially at schools;
- Schools should provide their own traffic and parking management resources;
- Residents are sometimes inconvenienced by commuters parking in their streets;
- A permit scheme could improve convenience for residents;
- The parking supply from some developments should be unbundled to allow more effective use of the bays;
- TravelSmart plans should be applied for new and existing developments;
- Surplus parking income and cash-in-lieu could be used to fund improved access;
- The student-only Curtin Area Bus Service (CABS) should be shared by public commuters;
- A free local bus service could be funded by the City to increase non private vehicle patronage to local commercial areas such as the zoo where up to 70% of visitors arrive by private car.

The Strategy has identified 14 Parking Control Areas (PCA's on Figure I-1 on Page 2 of the report. The City is now progressing with the development of Parking Management Plans for the PCA's.

The Strategy as presented provides a total of 22 recommendations for review, further assessment, consideration and progressive implementation as appropriate. The draft Strategy was made available to Councillors in late December and the final draft as now presented varies only marginally with some minor editing.

Summary of Recommendations

	Section	Recommendation
1.	4.1	Change the City's approach from the current "predict and provide" to a "demand management" approach whereby parking facilities are used more effectively and parking is proactively managed to align with the agreed strategy.
2.	4.1.	Adopt the following five parking principles which are to underlie future strategies relating to travel behaviour: a) Focus on people access not vehicle access b) Provide efficient and effective alternatives to car access c) Parking policy and strategy must support sustainable transport d) The appropriate amount of parking for the centre will be well below the unconstrained demand for parking e) The provision of parking requires a demand management, not a demand satisfaction approach.
3.	4.3.2	A parking user hierarchy be implemented for different parking precincts to support growth and intensification goals.
4.	4.5	The City appoint an administrative Parking Working Group chaired by the Parking Manager, which is responsible for bringing forward issues that cross boundaries between the traditional administrative units.
5.	4.6	Parking occupancy in high demand areas should be surveyed regularly in the same format and at the same time each year to measure actual usage and to compare changing patterns of usage from year to year in different commercial centres.
6.	4.7	All new parking controls or charges to be constantly reviewed by the City and amended as necessary depending on the result of regular parking surveys.
7.	4.7	The City should evaluate the introduction of parking controls and eventually pay parking particularly in areas adjacent to major trip generators. These controls should be used to encourage the use of alternative modes, but should also be set at a level which does not detract from the vitality of the city precincts.
8.	4.8	Public parking information should be applied and published uniformly across the entire City equally to council and privately owned public car parking areas.
9.	4.9	The City to increase the effective allocation of parking enforcement resources in combination with improved technologies for monitoring compliance such as in-ground sensors, licence plate recognition cameras and parking meters. Schools should self-manage their peak-time parking demand through tools such as TravelSmart for Schools.
10.	4.10	The City implements a Parking Control and Management Plan to be provided with a development application for any project exceeding more than five bays.
11.	4.13	The City to develop a plan to identify and prioritise sites for the construction of parking decks to serve the commercial centres.
12.	7.4	The City gradually expands pay parking areas based on regular and comparative surveys of usage. Pay parking fees are to be structured to favour short-term users and encourage a high churn of spaces.
13.	7.4	The City increases the provision and enforcement of pay parking in privately owned public car parks and expands its enforcement resources and associated technology as appropriate to provide this service.
14.	7.6	The City should apply various parking restrictions in areas of high demand to achieve a target peak occupancy rate (the average of the four highest hours in a day) of 85% for on-street parking. This means that the

		<p>parking resource is well used but people can still easily find a space, thus reducing customer frustration. In other words, one parking space in every seven should be vacant.</p> <p>When peak parking occupancy is regularly above 85%, the City will recommend a change to the parking management approach. This is a recognised international approach to the best practice management of on-street parking.</p>
15.	7.7.1	<p>Introduce priced parking with no time limits in areas with high parking demand and a low availability of spaces. Prices for on-street will be set according to the following general principles:</p> <ul style="list-style-type: none"> <li>• Prices for on-street parking will be set at levels that ensure people can find a car park most of the time within a short walking distance of their destination</li> <li>• In general, if the data for demand for parking in an area is found to decrease, then prices should also decrease and vice versa</li> <li>• On-street parking in commercial centres will be prioritised to support customers and other short-term visitors ahead of long-stay commuters and residents. Prices are more effective than time-limits at prioritising users this way</li> <li>• The way parking prices are set in different parts of the City should be transparent and based on up-to-date empirical evidence of parking demand patterns in that area and observed trends in these patterns over time.</li> </ul>
16.	7.7.3	<p>Parking demand should be reviewed every one to three years depending on how variable the demand is in each particular price area.</p>
17.	7.7.4	<p>Prices should be adjusted either up or down in response to the occupancy surveys undertaken. In each case the goal is to maintain an average of 85% occupancy, as much as practicable.</p>
18.	7.7.5	<p>Standard hours of parking restrictions should be 8am to 6pm Monday to Sunday. However, some precincts in the City experience high parking demand in the evenings, and where this occurs, the City should implement expanded paid parking hours where necessary to manage demand in accordance with the general principles (section 7.7.1).</p>
19.	7.9.2	<p>Residential parking zones should have a time limit across the zone to prioritise short-term parking and deter commuter parking. Residents should be able to purchase parking permits to allow an exemption to the time restriction.</p>
20.	7.9.5	<p>To protect the sustainability of residential parking schemes, new developments within residential parking zones should not be eligible for parking permits.</p>
21.	7.9.6	<p>The City should make use of new technology to ensure that residential parking zones remain an effective solution for managing parking demand and reducing the impact on residents.</p>
22.	8.6	<p>A cash-in-lieu fee for all projects should be charged, but with a regular adjustment to the fee. The fee is to be based on a formula which takes into account the land value for each commercial centre set by the City every 2 years and the cost of construction and subject to certain Criteria.</p>

### Consultation

Luxmore have stated that “an important element of the investigation for the Parking Strategy was engagement with stakeholders to identify issues and potential options which would assist the City in achieving its planning objectives”.

## 10.5.1 Parking Strategy

Stakeholder engagement was conducted using the following methods:

- Two parking workshops (one for local businesses and one for local residents);
- A parking strategy survey (“Have your Say” on the City’s website);
- Online forum discussions; and
- An interactive map for posting comments and suggestions relating to specific locations.

A range of issues were raised at the meetings and in discussions on the “Have Your Say” website from members of the public. Road safety around on-street parking was the overriding concern for the South Perth community, and this concern was mainly felt in residential areas, around schools and the university, and along main arterials.

The remaining issues can generally be categorised in terms of supply or management. Supply issues include too few bays being available and the expectation that a public or private organisation must provide more bays. Management issues relate to available facilities not being used effectively. The main suggestions raised by stakeholders are listed in Table 2-5 in the Strategy. It can be seen that more effective management of existing parking is viewed as more important than increases in parking supply.

Several Concept Briefings were held during the development of the Strategy to provide update to Councillors on progress.

### **Policy and Legislative Implications**

The Strategy recommends the formation of a Parking Working Group to assist in the effective implementation of the Strategy and resultant Parking Management Plans.

Policy P112 Community Advisory Groups (CAG’s) enables Council to establish a CAG for a particular purpose. The purpose of a Community Advisory Group (CAG) in this instance would be to provide advice to Council and City Staff in regard to parking issues. The CAG would comprise staff from Infrastructure Services, Planning & Development Services, plus Ranger Services and interested business and community stakeholders.

The CAG would generally be involved with the assessment and consideration of any parking matter referred to it by the City and specifically would be involved in the consideration and assessment of the recommendations of the Parking Strategy and where appropriate providing advice on the implementation of the recommendations.

All recommendations of the Parking Strategy are consistent with the Parking Local Law.

### **Financial Implications**

There are no immediate financial implications with adopting the Parking Strategy. As recommendations of the Strategy relating to pricing are implemented there will be some financial impact. These will be considered via the annual budget process.

### **Strategic Implications**

The Report is a direct response to the City’s Strategic Community Plan and Corporate Business Plan 2015 – 2019 - Infrastructure and Transport (“*Plan and facilitate safe and efficient infrastructure and transport*”) and Strategic Objective 5.2 (“*Advocate for, provide and maintain a safe, efficient, and reliable transport network based on safe system principles*”) with direct reference to 5.2.3 – “*Develop a Parking Strategy for the City*”.

This report is aligned to the City’s [Strategic Community Plan 2015-2025](#).



## 10.5.1 Parking Strategy

### **Sustainability Implications**

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic, transport and road safety needs of the community.

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

### **Attachments**

**10.5.1 (a):** Luxmore Parking Strategy - Final .

## 10.5.2 Thelma Street - Request for Cul-de-sac at Canning Highway

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-16-35621
Lodgement Date:	19 May 2016
Date:	24 May 2016
Author:	Les Croxford, Manager Engineering Infrastructure
Reporting Officer:	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Infrastructure and Transport -- Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community
Council Strategy:	5.2 Advocate for, provide and maintain a safe, efficient and reliable transport network based on safe system principles.

### Summary

This report outlines the actions taken following the decision of Council to commence the process for closing Thelma Street at Canning Highway to through traffic. The report provides details of the submissions received and an explanation of the actions still remaining before Council can make an order, to close a thoroughfare to through traffic.

### Officer Recommendation

**Moved:** -  
**Seconded:** -

That Council, having considered the merits of the submissions received, not proceed with the closing of Thelma Street to through traffic east of Canning Highway.

**LAPSED FOR WANT OF A MOVER**

### Alternative Motion AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid  
**Seconded:** Councillor Travis Burrows

That Council:

- does not support the Officer Recommendation; and
- progresses the closing of Thelma Street and creation of a Cul-de-sac at Canning Highway.

Councillor Fiona Reid spoke to the Motion for five (5) minutes and at 7.33pm the Presiding Member put that the time be extended for a further five (5) minutes to allow Councillor Reid to complete her speech.

### Motion to Extend Time Permitted to Speak for a Motion AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

**CARRIED (8/0)**

The Presiding Member then put the Motion to the vote.

**CARRIED (7/1)**

**Reasons for Alternative**

- a) Of the three compliant submissions received two supported the closure of Thelma Street and creation of a Cul-de-sac at Canning Highway. One was an individual submission and the second represented a further fourteen local residents; and only one opposed the closure. The opposing submission being from the agent leasing the property. The two supporting submissions representing at least fifteen residents in the surrounding locality. These submissions, along with the petition of forty three signatures, demonstrate the continued majority support from the surrounding local community to close Thelma Street and create a Cul-de-sac at Canning highway. In regards to the opposing submissions (and deputations at the May Agenda Briefing), these represent one property owner/agent and their tenants.
- b) Considering the submissions made from the public advertisement and decision of Council, Council requirement under the relevant Act is to give genuine consideration to these submissions in an objective and reasonable manner. Having given genuine consideration the submissions in an objective and reasonable way the Council decided that opposition to the closure was not supported for the following reasons:
  - i. A number of commercial/retail properties along Canning Hwy do not have direct access from Canning Hwy. For example the commercial properties on Canning Hwy, South East of Barker Ave, have lane way access to parking off Barker Ave. Similarly the commercial properties further North on the Western side of Canning Hwy near Douglas Ave have access from the Hwy on Elizabeth Street, Via Douglas Ave, Angelo St and Lawley St. In fact Elizabeth St previously had left turning direct access to Canning Hwy, similar to Thelma St, and had the same treatment of closure and creation of a Cul-de-sac a number of years ago.
  - ii. That a street has been one way, however long, is not a relevant consideration, particularly as it has equally been gazetted to be closed and made a Cul-de-sac in the future.
  - iii. There is access to parking to all commercial properties adjacent to Thelma St via Barker Ave and Axford St (for 364 Canning Hwy). In regards to 364 Canning Hwy this access is similar to the previous example cited for the commercial properties at Elizabeth St.
  - iv. The petition presented to Council represents twenty five properties in the immediate vicinity of Thelma Street and Axford Ave, along with the two formal submissions representing at least 15 residents, clearly represents significant support for and acceptance of the proposal.
  - v. The only commercial residency that could be considered to be directly affected by the closure and Cul-de-sac is 364 Canning Hwy. All other

adjacent properties have primary access from Barker Ave, as demonstrated by the traffic arrows on site at 2 Barker Ave. Number 2 Barker Ave has painted arrows on their drive way directing traffic in through Barker Ave and out via Thelma St.

- vi. A number of decades prior to the refused development application at 55 Thelma St, Thelma St has been identified for closure as part of the Canning Hwy widening reserve. To suggest this has not ever previously been considered is not substantiated.
  - vii. The residents have identified that the closure of Thelma St at Canning Hwy and resultant Cul-de-sac would improve their local amenity, stop any use of Thelma St as a 'rat run' and reduce accidents in that area of Canning Hwy.
  - viii. The detriment to both the opposing submitter and their tenants is not substantiated given that only one tenancy has direct primary access from Canning Hwy and has suitable other street access to parking (previously discussed). Additionally given the location of 364 Canning Hwy, only metres away from the Barker Ave controlled intersection, the potential for 'passer-by' trade using that access point is limited if not negligible (this point will be discussed further).
  - ix. As discussed previously there is no substantiated evidence that the commercial tenancy's are detrimentally affected.
  - x. It is not a requirement of Council to apportion weight to a submission based on proximity but to consider each submission on its merits.
  - xi. Commercial benefit/loss or property values are not a consideration of Council. However again there is no substantiation there would be a commercial loss or devaluation of the property. Firstly the new tenant is a bathroom retail outlet selling baths, sinks, etc. This commercial activity is not the type of business model reliant on 'impulse buying'. Renovating a bathroom or replacing a sink is a planned activity not one that you are likely to drive by a retail outlet and on the spur of the moment think I'll renovate my bathroom and purchase a bath now. Furthermore travelling south along Canning Hwy you cannot see any signage for the retail outlet until you are almost upon the single left turn lane into Thelma St. Hence by the time you have even seen that a bathroom supplier is at that location you have likely missed the turn and gain access from Barker Ave (see previous point).
- c) In consideration of the non-compliant/late submission the following points have been unsupported or not substantiated:

- i. It is not for the commercial owner/agent or an individual commercial tenant to solely determine the benefit or not to whole of the surrounding community. Benefits are determined by all concerned and the value of such benefits is often a complex mix of tangible/objective and intangible/subjective benefits which both have value and do not necessarily align with commercial interests.
  - ii. The level of unnecessary traffic may have been a consideration of past Councillors when starting this process in September 2015, though it is not possible to comment on individual considerations when deliberating on this decision. However this was not a reason given for the Council's support for the amended officer recommendation. Further to state that there is 'NO' through traffic and 'NO' confusion cannot be substantiated by the submitters' anecdotal observations. In fact only this morning between 7.45am and 8am three cars entered left of Canning Hwy onto Thelma St and one car turned so late the car following swerved to avoid a rear end accident.
  - iii. As the residents will be directly impacted by any increased traffic in their local streets, their support of the proposed closure and Cul-de-sac demonstrates their acceptance of this potential outcome.
  - iv. General comments relating to the impact on commercial properties on Barker Ave and at 364 Canning Hwy have been previously considered in the proceeding reasons.
  - v. It is incredulous that in the reasons given to not support the closure of Thelma St and Cul-de-sac the submitter would suggest a 'hidden agenda', given they are the tenant of the applicant for the refused development at 55 Thelma St who also has interest in all of the opposing submissions and deputations.
- d) Finally of the fourteen service authorities and organisations invited to make a submission there were only two submissions, Western Power and ATCO. Both submissions had no objections to the proposal and only requested they be kept informed to ensure the service utilities in the area are not compromised.

Having given objective and reasonable consideration the Council supports the closure of Thelma St and installation of a Cul-de-sac at Canning Hwy.

### Background

Section 3.50 (1a) of the Local Government Act 1995 enables a local government, by local public notice, to order that a thoroughfare that it manages be wholly or partially closed to the passage of vehicles for a period exceeding four weeks. Before the local government is in a position to make that order there is a clear and defined process that must be followed to enable the local government to be in a position to formalise the closure to through traffic by public notice.

## 10.5.2 Thelma Street - Request for Cul-de-sac at Canning Highway

Council at its September 2015 meeting agreed to commence the process for closing a street to through traffic by advertising the proposal and inviting submissions from affected persons as well as giving written notice to all the relevant persons prescribed by the regulations.

The following is the text of the advertisement placed in the Southern Gazette on 20 October. The Notice was also placed on the City's website.

### **Notice of Intention to Close a Street to Through Traffic**

The City of South Perth gives notice of its intention to close part of Thelma Street to through traffic between Axford Street and Canning Highway, at its junction with Canning Highway, in accordance with Section 3.50 of the Local Government Act 1995.

The proposed closure of Thelma Street will take the form of an extension of the Canning Highway kerb line across Thelma Street and the creation of a cul-de-sac in Thelma Street at the highway end. Under the proposal, the footpath on Canning Highway would be extended across the former street and the remainder of the closed portion suitably landscaped. The purpose of the closure is to limit the amount of unnecessary through traffic from using the street, eliminating any confusion with drivers that may arise with having two left movements in close proximity off Canning Highway, and to bring forward the intended closure as detailed in the Canning Highway Road Reservation Review and consistent with the requirements of the Metropolitan Regional Scheme.

Submissions from interested persons or organisations about this proposal for Thelma Street can be made in writing to the Chief Executive Officer, City of South Perth, Cnr Sandgate St and South Tce, South Perth WA 6151 by 5pm, Tuesday 10 November 2015.

Letters were posted on 20 October to 142 surrounding resident/owners with principally a Thelma Street address who were considered to be affected property owners for the purpose of the regulation. Owner/residents of Thelma Street east of Axford Street were included as the entry off Canning Highway represents a direct route to their properties. From the affected property owners only three submissions were received, two in support and one opposing the closure. It should be noted that one submission contained the addresses of 13 property owners. However it still only represents one submission.

<b>Document ID</b>	<b>Submitters Comment</b>
D-15-77186	<b>General Comment supporting the Thelma Street Closure.</b> We fully support the closure plan and believe it will greatly enhance the safety of the intersection for pedestrian, vehicles and residents.
D-15-77889 D-15-77738	<b>General Comment supporting the Thelma Street Closure.</b> We believe it will greatly enhance the safety of the intersection for pedestrian, vehicles and residents. We look forward to the completion of the project.

<p>D-15-79821 D-15-79575</p>	<p><b>General Comments not supporting the Thelma Street Closure.</b></p> <p>We strongly object to Thelma Street being closed at Canning Highway. Your 19 October letter is the first notification we received from any person, including City of Perth, as to the proposal ..... notwithstanding that we (and other commercial owners and tenants) are the most directly affected.</p> <ul style="list-style-type: none"> <li>• ....our property is zoned highway commercial. There is parking at the rear of our property, adjacent to Thelma Street. Thelma Street is the only entrance to our property from Canning Highway.</li> <li>• The street has been one way, since prior to our purchase of it (15 years ago), and our understanding, for many decades, prior.</li> <li>• Our property has a new lessee (lease commenced 1 September 2015). Customers and lessees access the property from Canning Highway, via Thelma Street. They have done so for decades.</li> <li>• .... there is no access to parking except via Thelma Street. There is no other street or other parking in the vicinity. In particular, it is not possible to park along Canning Highway, in front of 364 Canning Highway (at any time).</li> <li>• ... not clear as to the basis upon which it is said that there is "overwhelming local support" (when we, those directly affected have not been notified) and that the street currently "effectively operates as a cul-de-sac" (from the September Minutes Item 10.5.1- Reasons for Change).</li> <li>• Thelma Street is not "effectively" a cul-de-sac insofar as the commercial owners or tenants are concerned. Closing Thelma Street would remove their immediate access and that of customers and visitors to the premises.</li> <li>• Prior to the application in relation to the childcare facility, there was no suggestion that Thelma Street should be closed.</li> <li>• There is no detriment to the owners of the residential properties in Thelma Street whether Thelma Street is open or closed.</li> <li>• Conversely, there is real detriment to both us and our tenants (and other commercial owners and tenants) should Thelma street be closed.</li> <li>• .... the views of those who are detrimentally affected should carry far greater weight than those who are not.</li> <li>• .... our property is also in a physical sense, immediately impacted, and accordingly our submission should carry the highest weight.</li> <li>• .... new tenants commenced renting our property, for 2 years, with an option for 5 years. Already, they have advised, that they will lose business should the road be closed.</li> </ul>
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A submission was prepared and submitted by e-mail within the prescribed time (but not in the prescribed manner) and was never received by Engineering Infrastructure until recently when it was revealed to be an omission from a recent FOI request. The submission is from the lessee of the commercial premises in Canning Highway at Thelma Street and addresses generally some matters that were introduced into the Public Notice and the letter distributed to affected property owners and adds additional comment not referenced in either of the documents.

Document ID	Submitters Comment
	<p><b>General Comments not supporting the Thelma Street Closure.</b> Submission about the proposed closure of Thelma street south at its intersection with Canning HW (Quietest street in Como).</p> <ul style="list-style-type: none"> <li>• Limit the amount of unnecessary through traffic. <ul style="list-style-type: none"> <li>a) This does not happen, ..... we have been at the property from very early morning to very late night and .... had commented on how quiet the street is.</li> <li>b) Since receiving your letter on 24/10/2015 we have paid close attention to the traffic using the intersection especially in peak hour and school drop off and pick up times. There is no through traffic using Thelma Street .....</li> </ul> </li> <li>• Confusion with drivers that may arise with having two left movements in close proximity to Canning Highway. <ul style="list-style-type: none"> <li>a) Definitely didn't happen between 7.30am and 10.18 today and I have never seen it happen. If it does happen it is so rare as to be of no impact .....</li> </ul> </li> <li>• Bringing forward the intended closure as detailed in the Canning Highway road reservation review. <ul style="list-style-type: none"> <li>a) ..... there is no need to close the road before it is done when the road is widened.</li> <li>b) When the road is widened in the future the building on the corner will be demolished (our business) this is the time to close the intersection.....</li> </ul> </li> <li>• Benefits to the community if the road is closed. <ul style="list-style-type: none"> <li>a) NONE..... closing the intersection will not save any traffic from using the section of Thelma street between the Canning Highway and Axford Street.</li> </ul> </li> <li>• Down side to the community if the intersection is closed <ul style="list-style-type: none"> <li>a) Residents that use the intersection to access their homes only drive down the street once as they leave via Axford Street if the intersection is closed they will have to access and leave via Axford Street doubling the travel in the street.</li> <li>b) People that currently access Rejuva, Campaka Bali Day Spa and our business via the intersection (not adding to the traffic in the street) will if it is closed have to gain access by driving down Thelma Street from the Axford street end adding to the traffic in the street.</li> <li>c) Trucks delivering to our Business will have to access and leave via the Thelma Street end doubling the travel in the Street.</li> <li>d) Closing the intersection will increase the traffic in the street not reduce it.</li> </ul> </li> <li>• Impact on our business if the intersection is closed. <ul style="list-style-type: none"> <li>a) We leased the premises for the exposure and passing trade, closing the intersection will have a devastating impact on the passing trade. If we had known about the closure we would not have leased the premises.</li> </ul> </li> </ul>



	<ul style="list-style-type: none"> <li>• Hidden agenda           <ol style="list-style-type: none"> <li>a) As there is no through traffic and no confusion (if it is not the quietest street in Como it is a very close second) one has to ask who has a hidden agenda to have the intersection closed.</li> </ol> </li> </ul>
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Two submissions were received from members of the public as a result of the advertisement in the local newspaper, one supporting the proposal, one opposing the closure. In addition letters were also posted to 14 service authorities & organisations (Western Power, St John's, Main Roads, Atco Gas, Telecommunications, Penrose, etc.). Responses were received from Western Power, Atco Gas, Main Roads and the Water Corporation.

Western Power (WP) provided two responses that generally relate to operations issues with their network. *“WP does not have any objection at this time to the above proposal, however we would appreciate being kept informed of developments. As there are overhead powerlines and/or underground cables adjacent to or traversing the property the following should be considered, prior to any works commencing at the site above site/development/property or if any alignments, easements or clearances are encroached or breached. All work must comply with Worksafe Regulations 3.64 - Guidelines for work in the vicinity of overhead powerlines. If any work is to breach the minimum safe working distances a Request to Work in Vicinity of Powerlines form must be submitted”* and *“As there is/are overhead/underground distribution/transmission lines/cables/lease adjacent to your proposed works, WP will review the proposal with respect to any impact on its network and respond within an appropriate timeframe if required. Where detailed investigations are needed to support accurate advice, WP will advise City of South Perth of additional information requirements within the advertising period. Please note that this email should not be considered to be an approval or non-objection to works. It is not advisable to commence with your works until you have received further comment from WP.”*

Similarly Atco Gas provided a number of responses that were largely operational in content. *“ATCO Gas has gas mains 100PVC 4.2 MLP 7kPa and Abandoned Gas Mains in the immediate vicinity of this location. Abandoned Gas Mains are to be treated as live gas mains until such time as it is determined that there is no residual gas in the pipeline, see the attached Figure.”* and *“ATCO Gas does not have any objection to the road closure however at the time works are being programmed to redesign the intersection, please lodge a Dial Before You Dig request to identify services impacted by the work. ATCO Gas will work with the City of South Perth to ensure the proposed works are assessed prior to work commencing to protect the gas mains and ensure any risks associated with our gas line are reduced.”*

Before Council can proceed to make an order to close a thoroughfare to through traffic, having satisfied all of the requirements of the Regulations with regard to advertising and notifying certain people and organisations, the Council must still consider the submissions received and to assess the submissions on their merit.

### Comment

The response rate to the advertisement and mail out is very low but expected. Only one property is directly affected by the closure to through traffic. The managing agents for #2 Barker Avenue (the only other commercial property having an access off Thelma Street) did not make a submission in opposition to the closure (but telephoned to express their opposition), as the property does have a direct access from Barker Avenue at the traffic signals. The rear access off Thelma Street would provide some advantages at the peak hours for a very limited number of staff travelling west on Canning Highway.

## 10.5.2 Thelma Street - Request for Cul-de-sac at Canning Highway

The two submissions not supporting the proposal to close the street provided in great detail the justification for their position (arguably a strong economic case) whereas the submissions in support simply restated a belief that the closure would make the intersection safer for pedestrians vehicles and residents (arguably an amenity case). As has been stated previously there is no supporting data that would indicate that safety is a major issue in Canning Highway as a result of this intersection being open to left turn only traffic.

If the commercial operation today was solely dependent on “passing trade” only the west bound traffic would have direct access to the property with east bound traffic having to effect a potentially unsafe right turn across three west bound lanes or an acceptable and relatively safe U-turn at the Ryrie Avenue intersection to travel west on Canning Highway to enter Thelma Street. The alternative route, if known to the customer, would be circuitous using Axford Street as the main east-west link to enter Thelma Street. The closure would require all customers irrespective of their direction on Canning Highway to use Axford Street from either Barker Avenue / Brittain Street or Ryrie Avenue

The submissions outlining the detrimental impact the closure would have on the viability of the site should be supported and appropriate weight given to the submissions as #364 Canning Highway is the only property that stands to be adversely affected by the proposal. It is important to restate that the City must give all the submissions received objective and reasoned consideration. There is no supporting traffic data or amenity debate that would outweigh the submitters’ perceived commercial impact of the closure and it is recommended that Council not proceed with the closure of Thelma Street.

### Consultation

The Local Government (Functions and General) Regulations 1996 prescribes those persons that must be notified of the intended closure. For the purposes of Section 3.50 of the Local Government Act:

- all utility services that have pipes, cables, or anything else under, on, or above the land used for the thoroughfare;
- St. Johns Ambulance Services;
- Fire and Emergency Services; and
- the occupier of land that will lose its access.

It should be noted that in this regulation “**land that will lose its access**” means land that abuts the thoroughfare at any point to which access would be precluded as a result of the closure.

### Policy and Legislative Implications

Section 3.50 of the Local Government Act (as amended) enables a local government to close a street to through traffic and sets out the process that must be followed.

Section 3.22 (1) of the Local Government Act (as amended) identifies the circumstances under which an affected property owner sustains damage through the performance by a local government of its functions under this Act, the local government is to compensate the person if the person requests compensation unless it is otherwise expressly stated in subsection (5) or in Schedule 3.1 or Schedule 3.2. Section 3.22 (5b) expressly states that “compensation is not payable for damage sustained through a local government closing or restricting the use of a thoroughfare under section 3.50 or a power given by any other written law”. **Confidential Attachment** provided for information.

## 10.5.2 Thelma Street - Request for Cul-de-sac at Canning Highway

### **Financial Implications**

An allocation of \$75,000 has been included in the 2015/2016 Infrastructure Capital Works budget for the closure works. Should the work not proceed the funds would be available for reallocation.

### **Strategic Implications**

The Report complements the City's Strategic Community Plan and Corporate Business Plan 2015 – 2019 - Infrastructure and Transport and in particular: Strategic Objective 5.2 – “*Advocate for, provide and maintain a safe, efficient, and reliable transport network based on safe system principles*”.

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

### **Sustainability Implications**

The appropriate management of the local road system is extremely important to ensure that it meets the current and future traffic, transport and road safety needs of the community.

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

### **Attachments**

**10.5.2 (a):** Compensation for the Partial Closure - Thelma Street  
(*Confidential*) .

## 10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

### 10.6.1 Monthly Financial Management Accounts - April 2016

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-35136
Lodgement Date:	18 May 2016
Date:	24 May 2016
Author:	Michael Kent, Director Financial and Information Services
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

#### Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That:

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as **Attachments (a) - (e)** be received;
- (c) the Schedule of Significant Variances provided as **Attachment (f)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (d) the Schedule of Movements between the Adopted & Amended Budget **Attachments (g) & (h)** be received;
- (e) the Rate Setting Statement provided as **Attachment (i)** be received.

**CARRIED EN BLOC (8/0)**

#### Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget.

## 10.6.1 Monthly Financial Management Accounts - April 2016

The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report reflects the structure of the budget information provided to Council and published in the Annual Management Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control - reflecting the City's actual financial performance against budget targets.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns.

This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) will be provided each month from September onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2015/2016 Adopted Budget and the 2015/2016 Amended Budget including the introduction of the unexpended capital items carried forward from 2014/2015.

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting this statement on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

### Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments (a) & (b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment (c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment (d)**
- Summary of Capital Items - **Attachment (e)**

## 10.6.1 Monthly Financial Management Accounts - April 2016

- Schedule of Significant Variances - **Attachment (f)**
- Reconciliation of Budget Movements - **Attachments (g) & (h)**
- Rate Setting Statement - **Attachment (i)**

Operating Revenue to 30 April 2016 is \$50.33M which represents almost 100% of the \$50.43M year to date budget. Revenue performance is close to budget in most areas other than those items identified below.

Rates revenue reflects as being very slightly ahead of budget after the budget targets were increased in the Budget Review. Investment revenues are 2% under budget for Reserve Funds but 5% under for the Municipal Fund with the continuing low interest rates. Parking revenue is now 1% below budget expectations overall but the appointment of a dedicated parking officer is helping to remedy the previously unfavourable situation.

Planning revenues are 6% ahead of budget due to a higher than expected number of JDAP applications. Building Services revenue is now only 1% above budget. City Environment contributions for major event hire were over-estimated in the budget process as there has been no major external event held on the foreshore this year. Crossover Revenue continues to exceed budget expectations whilst Asset Control Revenue fell short of revenue expectations due to a deferral of plant vehicle trade-ins.

Comment on the specific items contributing to the revenue variances may be found in the Schedule of Significant Variances **Attachment (f)**.

Operating Expenditure to 30 April 2016 is \$37.81M which represents 98% of the year to date budget of \$42.06M. Operating Expenditure shows as 4% under budget in the Administration area. Operating costs are 7% under budget for the golf course and show as being 1% under budget in the Infrastructure Services area.

Other than the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers and cost savings on various line items including utilities costs, some salary savings due to vacancies and some other timing differences that are expected to reverse in later months.

In the Infrastructure Services operations area, there are some small variances at the end of the month that relate to the timing of the roll-out of maintenance activities and these are expected to reverse out in the next two months. Major infrastructure expenditure areas such as parks maintenance and streetscape maintenance are pleasingly, very close to budget expectations - and it is possible that the increased rigour in managing costs in this area may even deliver some savings against budget.

The environmental management and plant nursery areas have been impacted by some workers compensation claim settlements and redundancy, but the responsible manager has initiated some mitigating actions which, in concert with a minor budget review have addressed the potential over-expenditures.

The April management accounts also reflect budget review adjustments to (non-cash) variances on depreciation of infrastructure assets following the revaluation to fair value of parks assets. These were adjusted following the completion of the audited annual financial statements - but may require some further refinement in Q4 although there is no cash-flow impact. Overheads are also now favourable to budget with anticipated recoveries.

## 10.6.1 Monthly Financial Management Accounts - April 2016

Fleet operations show a favourable variance in terms of actual cash costs - but an under recovery against jobs. This situation will continue to be monitored and retrospectively adjusted as required in future until a longer term solution to the challenges of setting plant charge rates can be developed.

In the waste management area there have been a number of changes to the accounting structure (to comply with new reporting requirements) and these have proved problematic in being 'settled' into the management accounts. However, these are improving month by month. Costs associated with the transfer station are under investigation to try to understand and respond to the current variances between predicted and actual results.

As would be expected in any entity operating in today's economic climate, there are some budgeted staff positions across the organisation that are necessarily being covered by agency staff (potentially at a higher hourly rate). Overall, the salaries budget (including temporary staff where they are being used to cover vacancies) is currently around 1.6% under the budget allocation for the 219.9 FTE positions approved by Council in the budget process. There are number of factors impacting this including positions held vacant pending an organisational review and timing differences in relation to invoicing by the agencies that supply casual staff.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment (f)**.

Capital Revenue is disclosed as \$5.84M at 30 April which is in line with the year to date budget of \$5.83M.

Capital Expenditure at 30 April is \$21.37M representing 87% of the year to date budget of \$24.67M (after the inclusion of carry forward projects). The total (revised) budget for capital projects for the year is \$36.12M.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented from October onwards each year once the final Carry Forward Works were confirmed - that is, after completion of the annual financial statements.

**TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	245,000	5,144	3%	245,000
Major Community Project	11,487,000	11,067,413	93%	18,177,000
Financial & Information	769,000	439,647	57%	1,322,000
Develop & Community	480,000	384,521	81%	585,000
Infrastructure Services	11,054,415	8,838,654	80%	15,071,415
Waste Management	210,900	193,016	92%	243,400
Golf Course	429,380	437,732	102%	474,289
UGP	0	0	-%	0
<b>Total</b>	<b>24,675,695</b>	<b>21,366,127</b>	<b>87%</b>	<b>36,118,104</b>

The figures in the table above now contain the Carry Forward Works of \$3.70M.

## 10.6.1 Monthly Financial Management Accounts - April 2016

As can be seen from the table above, the City has made steady progress to date in delivering its very challenging 2015/2016 capital program with 87% of the year to date works completed.

This amount represents some 59% of the total proposed program. There is a further \$6.00M of anticipated expenditure on the Manning Community Hub - although approximately two thirds of that amount will be carried forward into next year when the project finishes.

The leadership team has been reviewing the capital program and assessing the City's capacity to deliver the remaining capital program. Anticipated carry forward works have been identified and the list will be updated throughout the Budget process.

### **Consultation**

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

### **Policy and Legislative Implications**

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

### **Financial Implications**

The attachments to the financial reports compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of variances which in turn promotes dynamic and prudent financial management.

### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising proactive identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

### **Attachments**

- 10.6.1 (a):** Statement of Financial Position
- 10.6.1 (b):** Statement of Financial Position
- 10.6.1 (c):** Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d):** Summary of Operating Revenue & Expenditure - Infrastructure Service
- 10.6.1 (e):** Summary of Capital Items
- 10.6.1 (f):** Schedule of Significant Variances
- 10.6.1 (g):** Reconciliation of Budget Movements
- 10.6.1 (h):** Reconciliation of Budget Movements
- 10.6.1 (i):** Rate Setting Statement .



## 10.6.2 Statement of Funds, Investments and Debtors at 30 April 2016

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-35137
Lodgement Date:	18 May 2016
Date:	24 May 2016
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

### Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates & Debtors

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That Council receives the 30 April 2016 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment (a)**
- Summary of Cash Investments as per **Attachment (b)**
- Statement of Major Debtor Categories as per **Attachment (c)**

**CARRIED EN BLOC (8/0)**

### Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

## 10.6.2 Statement of Funds, Investments and Debtors at 30 April 2016

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

### **Comment**

#### **(a) Cash Holdings**

Total funds at month end are \$71.56M which compares unfavourably to \$78.67M at the equivalent stage of last year. This is largely the result of planned drawdowns from Reserves as contributions towards the Manning Hub project. Last month, total funds were \$76.55M.

Municipal funds represent \$19.87M of this total, with a further \$50.80M being Reserve Funds. The balance of \$0.88M relates to monies held in Trust. The Municipal Fund balance is some \$0.80M higher than last year which relates to the timing of cash outflows on the capital works program.

Reserve funds are \$8.2M lower overall than the level they were at the same time last year as a result of funds drawn down for major discretionary capital projects such as Manning Hub (as noted above).

The 2015/2016 Budget foreshadowed the consolidation of the City's cash reserves down into 15 Reserves rather than the previous 24. In July 2015, this consolidation was effected with the transfer of funds from the Future Municipal Works Reserve and Future Building Works Reserve into the Major Community Facilities Reserve; from the Parks and Streetscapes Reserve into the Reticulation & Pump Reserve; and from the Paths and Transport Reserve into the Sustainable Infrastructure Reserve.

The current Reserve fund balances show that the Major Community Facilities Reserve is \$6.5M (net) lower than at the same time last year as funds are applied to major capital initiatives that are now underway - but is partly offset by the consolidation of other smaller reserves into this reserve (as foreshadowed in the 2015/2016 Budget).

The land sale proceeds currently quarantined in the Major Community Facilities Reserve do not represent 'surplus cash' and are being progressively utilised as part of carefully constructed funding models for future major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

The Sustainable Infrastructure Reserve is \$1.3M higher than at the same time last year due to the consolidation of reserves as noted above. The Plant Replacement Reserve is \$0.4M higher. The Parking Facilities and Insurance Risk Reserves are both \$0.2M higher.

## 10.6.2 Statement of Funds, Investments and Debtors at 30 April 2016

In relation to the Quarantined Reserves, there is a \$0.2M lower holding of cash backed reserves to support CPV refundable monies compared to last year due to the timing of outgoing versus ingoing resident transactions.

The Waste Management Reserve is \$0.1M higher than last year and the Golf Course Reserve is unchanged after allowing for last year's operating results.

Details are presented as **Attachment (a)**.

### **(b) Investments**

Total investment in money market instruments at month end was \$70.18M compared to \$77.84M at the same time last year. There was \$0.3M more in cash in Municipal investments. Cash backed Reserve Fund investments are \$7.6M lower as discussed above.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year.

Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment. Analysis of the composition of the investment portfolio shows that all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no investments in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Department of Local Government Operational Guidelines for investments.

All investments currently have a term to maturity of less than one year - which is considered prudent both to facilitate effective cash management and to respond in the event of future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are required to be within the 25% maximum limit prescribed in Policy P603. At month end the portfolio was within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment (b)**.

Interest revenue (received and accrued) for the year totals some \$1.87M. This compares to \$1.96M at the same time last year despite the historically low interest rates. The prevailing interest rates appear likely to continue at current low levels in the short to medium term.

Investment performance will be closely monitored to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position.

Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs. Current Department of Local Government guidelines prevent investment of funds for periods longer than one year.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is a modest 2.89% with the anticipated weighted average yield on investments yet to mature now sitting at 2.93%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of 1.75% since the May 2015 RBA decision. That rate fell to 1.50% on 4 May 2016 following the RBA decision.

Currently Department of Local Government Guidelines (presently withdrawn for revision) provide very limited opportunities for investment diversity as they emphasise preservation of capital. Unfortunately, there is a large pool of local government investment funds and a rather limited demand for deposits - so investment opportunities are both modest and scarce.

#### **(c) Major Debtor Classifications**

Effective debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates and general debtors).

##### **(i) Rates**

The level of outstanding local government rates relative to the same time last year is shown in **Attachment (c)**. Rates collections to the end of April 2016 represent 97.1% of rates collectible (excluding pension deferrals) compared to 97.0% at the same time last year. Pension rebates receivable, however, are very slightly higher due to timing differences.

The City expects to maintain its strong rates collection profile in respect of the 2015/2016 rates notices as indicated by the good level of collections at each of the due dates for the four instalments. The City is being proactive in striving to repeat last year's excellent collection results. The collection result to date suggests that there has been a good acceptance of our rating strategy, communications strategy and our convenient, user friendly payment methods. The instalment payment options and, where appropriate, ongoing collection actions also provide encouragement for ratepayers to meet their rates obligations in a timely manner.

##### **(ii) General Debtors**

General debtors stand at \$2.25M at month end (\$2.15M last year). Last month debtors were \$1.15M. GST Receivable is lower whilst Sundry Debtors were \$1.0M higher due to the \$1.0M Lotterywest Grant Receivable that was received by the City in early May.

Continuing positive collection results are important to effectively maintaining our cash liquidity. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

**Consultation**

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

**Policy and Legislative Implications**

The cash management initiatives which are the subject of this report are consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report - as is the DOLG Operational Guideline 19.

**Financial Implications**

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability of debts.

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

**Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

**Attachments**

- 10.6.2 (a): Summary of all Council Funds
- 10.6.2 (b): Summary of Cash Investments
- 10.6.2 (c): Statement of Major Debtor Categories .

### 10.6.3 Listing of Payments

Location: Not Applicable  
Ward: Not Applicable  
Applicant: Council  
File Ref: D-16-35139  
Lodgement Date: 18 May 2016  
Date: 24 May 2016  
Author: Michael Kent, Director Financial and Information Services  
Deborah Gray, Manager Financial Services  
Reporting Officer: Michael Kent, Director Financial and Information Services  
Strategic Direction: Governance, Advocacy and Corporate Management --  
Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan  
Council Strategy: 6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

#### Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 April 2016 and 30 April 2016 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(422)	\$5,518,924.08
Cheque Payment to Creditors	(28)	\$196,963.03
<b>Total Monthly Payments to Creditors</b>	<b>(449)</b>	<b>\$5,715,887.11</b>
Cheque Payments to Non Creditors	(117)	\$640,289.16
<b>Total Payments</b>	<b>(566)</b>	<b>\$6,356,176.27</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Colin Cala

That the Listing of Payments for the month of April 2016 as detailed in **Attachment (a)**, be received.

**CARRIED EN BLOC (8/0)**

#### Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

### 10.6.3 Listing of Payments

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

#### **Comment**

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. The payment listing is now submitted as **Attachment (a)** of this agenda.

It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation cannot be individually debated or withdrawn.

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

*(regular suppliers with whom the City transacts business)*

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

*(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).*

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non-creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

In accordance with feedback from Council Members, the attachment to this report has been modified to recognise a re-categorisation such that for both creditors and non-creditor payments, EFT and cheque payments are separately identified. This provides the opportunity to recognise the extent of payments being made electronically versus by cheque.

### 10.6.3 Listing of Payments

The payments made are also now listed according to the quantum of the payment from largest to smallest - allowing Council Members to focus their attention on the larger cash outflows. This initiative facilitates more effective governance from lesser Council Member effort.

#### **Consultation**

This financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

#### **Policy and Legislative Implications**

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

#### **Financial Implications**

This report presents details of payment of authorised amounts within existing budget provisions.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

#### **Attachments**

**10.6.3 (a):** Listing of Payments .



## 11. APPLICATIONS FOR LEAVE OF ABSENCE

Applications for Leave of Absence were received from:

- Councillor Travis Burrows for the period 12 June– 18 June 2016 inclusive;
- Councillor Fiona Reid for the period 19 June – 22 June 2016 inclusive; and
- Mayor Sue Doherty for the period 19 June – 24 June 2016 inclusive.

### Recommendation and COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Ken Manolas

That the following Leave of Absence applications be approved:

- Councillor Travis Burrows for the period 12 June– 18 June 2016 inclusive;
- Councillor Fiona Reid for the period 19 June – 22 June 2016 inclusive; and
- Mayor Sue Doherty for the period 19 June – 24 June 2016 inclusive.

**CARRIED (8/0)**

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

## 13. QUESTIONS FROM MEMBERS

### 13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

### 13.2 QUESTIONS FROM MEMBERS

Nil.

## 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil.

## 15. MEETING CLOSED TO PUBLIC

*Under section 5.23 (2) of the Local Government Act 1995 Council may resolve to close the meeting to the public.*

Nil.

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.45pm.

## 17. RECORD OF VOTING

24/05/2016 7:20:43 PM

### 7.1 Confirmation of Minutes

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

24/05/2016 7:23:20 PM

### 7.2 Notes Briefings and Other Meetings

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

24/05/2016 7:24:46 PM

### 8.4 Council Delegates' Reports

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

24/05/2016 7:28:16 PM

### 9.1 En Bloc motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

24/05/2016 7:37:42 PM

### 10.5.2 Thelma Street – Request for Cul-de-sac at Canning Highway: Motion to Extend Time Permitted to Speak for a Motion

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

24/05/2016 7:42:03 PM

**10.5.2 Thelma Street – Request for Cul-de-sac at Canning Highway**

Motion Passed 7/1

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

No: Cr Ken Manolas

Absent: Cr Glenn Cridland

24/05/2016 7:44:28 PM

**11. Applications for Leave of Absence**

Motion Passed 8/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

## APPENDIX

### 6.1 PUBLIC QUESTION TIME – PUBLIC QUESTIONS TAKEN ON NOTICE: SPECIAL COUNCIL MEETING – 20 APRIL 2016

<p><b>Craig Dermer of 14/63 Mill Point Road, South Perth Received at the meeting: 20 April 2016</b></p>	<p><b>Response provided by: Mark Taylor, Director Infrastructure Services</b></p>
<p><i>[Preamble] The following sets the scene for the question: There will be Aurelia, 2 and 5-7 Harper Tce, 98 Mill Point Road, Echelon (old In Contro) and multiple storey planned for the IGA site, and other sites not yet requested. The Aurelia DA Traffic study alone indicates that the building will generate approximately 930 vehicle trips per day, but states “the 930 is considered conservative and should lead to a robust assessment”. Since any robust assessment has not been made available, we will have to continue with their conservative estimate. I quote “For the purpose of trip distribution, it has been assumed that 60% of the trips to and from the developments would be via the Kwinana Freeway, whilst 20% would be via Mill Point Road to the east and via Mends Street/Labouchere Road to the south” close quote (this latter is not possible as there is no right turn at Mends Street). Since there is no right hand turn out of (or into) Harper Terrace over the median strip, all these vehicles exiting Harper Street and looking to go to Kwinana Freeway are going to have to find a creative route. There are few scenarios. Morning peak traffic precludes using Mends Street as a route to the Freeway. The most likely, and the most fraught, is the channelling of a significant number of vehicles into and along the South Perth Esplanade, north to Queen Street and into Mill Point Road North. This would surely come as a rude surprise to residents in these streets.</i></p>	
<p>1. Does Council have plans for all the traffic originating from Harper Terrace vicinity and trying to get to Kwinana Freeway, and a picture of what affect this traffic will have on surrounding roads?</p>	<p>With growth on the network predominantly due to upcoming development the City will continue to plan appropriately for the upgrade of the identified critical local intersections. As a result it is expected that the local road network will be able to accommodate the ongoing growth expected during these “out of peak periods” well into the future.</p> <p>The Council has allocated \$550K for design and consultancies for future works in the Precinct. The allocations extend to an upgrade to the existing traffic modelling and to the preparation of a micro model that will be used for the upgrade to the existing signals and to support the proposed signalised intersections along Labouchere Road. The funding provided is being used to design and document the required works along Labouchere Road and the various intersections as well as on-street cycle lanes and parking bays along the South Perth Esplanade including the required road preservation works.</p>

	<p>With Harper Terrace configured as “left in left out” peak hour traffic originating within that street will add to the existing queues at Mends Street and the Freeway on-ramp. The street network mid-block however has ample capacity to deal with all traffic but the limiting factor is the finite capacity of the signalised intersections at peak hours.</p>
<p>2. When is the Council’s Cumulative traffic study going to be available so that the effect of this traffic can be properly assessed, and to ensure that future DA assessments can have data with which to work?</p>	<p>The Microsimulation model commissioned for the City is in the final stages of development with the outputs for the year 2021 scenario undergoing final examination. While It is possible for the City to provide “indicative” volumes by the way of examples, the formal data from the model will not be available until June.</p>

## 6.2 PUBLIC QUESTION TIME – ORDINARY COUNCIL MEETING – 24 MAY 2016

<b>Anna Ciffolilli of 364 Canning Highway, Como</b> <b>Received prior to the meeting: 18 April 2016</b>	<b>Response provided by: Mark Taylor, Director Infrastructure Services</b>
<p><i>[Preamble]</i> These questions relate to the petition raised by certain persons, some of whom do not reside on Thelma Street, to make Thelma Street (at its intersection with Canning Highway) a cul-de sac.</p>	
<p>1. On how many occasions in the past 30 years has Council considered a petition to close a road (including by petitioners who do not reside on that road) when neither the Council nor any public authority, such as Main Roads, has raised any issues concerning keeping the road in question open?</p>	<p>There have been at least 8 full closures to streets within the past 30 years. Of the 8 at least one was a result of a petition from South Perth electors. A petition requesting the closure of a street can contain electors who do not reside in the street. All 8 of the closures have been, at some time prior to the closure, identified as an issue by the local government and other authorities.</p>
<p>2. Why would the City consider spending up to \$75,000 of ratepayers' funds to close a one way street that has been open for decades, with little through-traffic and very few accidents, when the street may ultimately be closed as part of the resumption of properties along Canning Highway if Canning Highway is resumed?</p>	<p>The City received a petition requesting that Thelma Street be closed to through traffic. The Council cannot vote on any matter that is the subject of a petition unless the matter is the subject of an officer report included on an Agenda and the Council has considered the issues raised in the petition. The 8 closures referred to above include Arundel Street at Canning Highway, Hensman Street at Canning Highway, Elizabeth Street at Canning Highway, Roberts Street at Canning Highway, Onslow Street at Hensman Street and Douglas Avenue at Mill Point Road. All of the above have been implemented or had major upgrade works in the period since 2000. The cost of the works in 2015 dollars would have been in the order of \$75,000, hence the allocation of about \$75,000 should the works proceed.</p>

<p>3. Why did Council make the resolutions at its September meeting when its own officer's advice was that "there is no data from a traffic perspective that would indicate the closure should occur at this time" and there have been only two accidents at the intersection (less than one sixth of the crashes at corner Barker Street and Canning Highway)?</p>	<p>The Officer recommendation in response to the petition requesting the closure of Thelma Street was to commence the closure process as enabled by Section 3.50 of the Local Government Act and detailed in the Regulations. The Act and Regulations require that the Council before it can make a decision to close a street to through traffic must advertise its intention and to seek submissions from all those affected by the proposal. The Council is required to consider all submissions received. The Council amended the officer recommendation by the inclusion of a funding allocation of up to \$75,000 should the works proceed.</p>
<p>4. Why would the City (including its officers) not contact any of the owners and tenants at the corner of Canning Highway and Thelma Street prior to Council considering the petition in September 2015 or prior to making a resolution about the petition (given that the street entrance is vital to those owners/ tenants and customers who can only gain access to the premises and parking for those properties via that intersection)?</p>	<p>Once the position of Council is known and the intention advertised the opportunity exists for all property owners to make a submission on the proposal.</p>
<p>5. Why was the recommendation of Council's officer in relation to item 10.5.1 of the matter before Council at its September 2015 meeting, inconsistent with the officer's own discussion within his paper?</p>	<p>The officer recommendation is consistent with the discussion within the report insofar as it is stated "Before the local government is in a position to make that order there is a clear and defined process that must be followed to enable the local government to be in a position to formalise the closure to through traffic by public notice".</p>
<p><b>Bill Gleeson of Suite 2, 95 Canning Highway, South Perth Received prior to the meeting: 24 May 2016</b></p>	<p><b>Response provided by: Vicki Lummer, Director Development and Community Services</b></p>
<p>1. Are you aware there are 9 strata title lots at 95 Canning Highway and each lot has between one and four surveyed parking bays within the strata scheme? They are shown as part lots on the strata plan. These part lots or parking bays are privately owned and no reciprocal parking arrangement exists between owners within the strata scheme. Owners, occupiers or their visitors are not</p>	<p>The assessment of the expected parking requirements of the proposed use has shown that there is a shortfall of approximately 3 parking bays. This does not take in to account any reciprocal parking or street parking within the area, but rather is based solely on the parking bays available at 97 Canning Highway, the provision of facilities for bicycle users and proximity to public transport.</p>

permitted to park in a surveyed bay that is the legally owned property of another owner.	
2. Are you aware there is signage restricting parking on most parking bays at 95 Canning Highway? Common parking area signs have not been used as each bay is owned individually. Parking in another owner's bay would be tantamount to parking in your next door neighbour's carport or privately owned driveway. The submitter of the application has assumed that reciprocal parking is available without consultation with the owners of 95 Canning Highway.	It is the responsibility of the applicant to arrange any reciprocal parking agreements. The report suggested that reciprocal parking arrangements may be available between 97 Canning Hwy and 95 Canning Hwy but the proposed use would not be reliant on such arrangements. Signed street parking on Salisbury Ave may be utilised for up to 4 hours. The applicant and the City have both reviewed the usage of the street parking and found it to be mostly empty during the hours of operation.
3. Are you aware most small businesses at 95 Canning Highway commence operation before 7.30am on various days of the week and several operate well after 5.30pm.?(Assumption should not be made that small businesses in this complex only operate between the hours of 9am to 5pm Monday to Friday).	The proposed hours of operation for the Indoor Sporting Activity are outside standard business hours (9am – 5pm). Although some surrounding businesses may operate at the same time as the proposed Indoor Sporting Activity the impact will not be significant. The recommendations from the Acoustic Report will ensure that noise will not be in excess of acceptable levels.
4. Are you aware no officer of the City of South Perth has spoken to an owner of a strata lot at 95 Canning Highway to ascertain if practical usage of the parking area is achievable? The suggestion that gym clients would use the parking area of 95 Canning Highway was simply noted without investigation.	The report suggested that reciprocal parking arrangements may be available between 97 Canning Hwy and 95 Canning Hwy but the proposed use would not be reliant on such an arrangement to provide sufficient parking. Signed street parking on Salisbury Ave may be utilised for up to 4 hours. The applicant and the City have both reviewed the usage of the street parking and found it to be mostly empty during the hours of operation.
5. Are you aware the option of closing off the parking area of 95 Canning Highway is available but probably not in the interest of the City or the individual owners?	The option to close off 95 Canning Highway from the right of way may be available subject to further consultation with the Planning Department at the City. This would not impact upon the proposed development at 97 Canning Highway



<b>Lindsay Jamieson of (address withheld on request) Received prior to the meeting: 24 May 2016</b>	<b>Response provided by: Geoff Glass, Chief Executive Officer</b>
<p>1. [paraphrased] On 11 April 2016 I submitted an appeal against two rejected breach claims that the City did nothing wrong with my FOI request. How is your investigation going?</p>	<p>If you are not satisfied with the outcome of the City's investigation in early 2015 of your allegation that City officers breached the City's code of conduct then it is within your rights to take the matter to the Ombudsman for further consideration.</p> <p>Please note I do not intend to re-review an already determined and communicated matter.</p>
<p>2. [paraphrased] On 18 April 2016 I submitted an appeal against a rejected breach claim in relation to a staff member. How your investigation is going?</p>	<p>[response provided by Mayor Sue Doherty] As the Presiding Member I am not prepared to accept Question No. 2 as it relates to the affairs of an employee.</p>
<p>3. Your responses to the questions above are now visible to staff and public. You have previously told staff that you will consider matters on merit not based on the previous administration. Do you believe your responses will substantiate what you have told staff that you will consider matters on merit?</p>	<p>The role of the CEO in Local Government is well defined under the Act and broadly covers the overseeing of the daily management of the City's full range of services and responsibilities. Amongst them is the obligation to responsibly manage the City's resources on behalf of its ratepayers.</p>

## DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on Tuesday 28 June 2016.

Signed \_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed.